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AN

ACCURATE AND IMPARTIAL

NARRATIVE

OF THE

Apprehension, Trial, & Execution,

On the 25th of JUNE, 1798,

OF

Sir Edward William Crosbie, bart.

AN

ACCURATE AND IMPARTIAL

NARRATIVE

OF THE

Apprehension, Trial, & Execution

On the 5th of JUNE, 1798,

OF

Sir Edward William Crofbie, bart.

INCLUDING

A COPY OF THE MINUTES OF THE PROCEEDINGS OF THE COURT-MARTIAL, WHICH TRIED HIM:

TOGETHER

WITH AUTHENTIC DOCUMENTS RELATING TO THE WHOLE OF HIS CONDUCT, AND THE PROCEEDINGS AGAINST HIM.

Published, in Justice to his Memory, by his Family.

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NARRATIVE, &c.

IN bringing before the Public the following Narrative, together with the authentic documents neceſſarily connected with it, the family of the late Sir Edward William Crosbie moſt ſolemnly diſclaim any motive, ſave that of reſcuing his character from the heavy charges with which it has been groſsly calumniated, and which appear to have received confirmation from a ſentence that deprived him of life. A continuance in ſilence might be conſtrued into an acquieſcence on the part of Sir Edward's friends in the juſtice of that ſentence, and a conſequent acknowledgment of the guilt of the party condemned by it. Under theſe circumſtances, the friends of Sir Edward Croſbie feel it to be an indiſpenſable duty they owe to the memory of the deceaſed, and to his infant ſon

and daughter, to wipe away, by every effort in their power, that ſtain which his unmerited fate might otherwiſe be made inſtrumental in caſting on his ſurviving family: Not doubting, that, if the cauſe of truth can prevail, the publication of the following documents will be found abundantly adequate to the deſired purpoſe.

With ſuch an important object in view, it may be aſked, "Why a publication, deemed eſſential to the vindication of Sir Edward's injured character, ſhould ſo long have been withheld." To this queſtion his friends have to return the following anſwer, which they truſt will prove ſatisfactory to every conſiderate mind:

That the following Narrative has been ſo long withheld from the public, is in part to be attributed to the almoſt inſuperable difficulties which have been encountered in procuring an authentic copy of the Proceedings of the Court-Martial, to whoſe ſentence Sir Edward fell a ſacrifice. But the cauſe for delay which has moſt prevailed with the friends of the deceaſed on this occaſion, and for which they think themſelves entitled to credit, has ariſen from a due conſideration of the diſtracted ſtate of the

country, and the unhappy diſpoſition of the times. It was not their wiſh to make uſe of an unfortunate, and to them moſt lamentable, occurrence, as a pretext for reflection on the governing powers; being fully perſuaded, that the leading Members of Adminiſtration were actuated by principles and ſentiments very different from thoſe of *ſome individuals*, who, by a precipitate and fatal act of delegated authority, were enabled to carry into effect malicious and unprincipled deſigns. Still leſs was it their wiſh, by diſcharging their duty to a much-injured man, to add fuel to the unextinguiſhed flame of rebellion, or in any degree to foment the yet glowing embers of ſedition. With theſe ideas in their minds, they have anxiouſly waited for that period, when, the effervеſcence of party ſpirit being ſubſided, the public mind ſhould be prepared to review the late tranſactions in Ireland with that candour and moderation neceſſary to qualify it to diſcern and frankly acknowledge the cauſe of truth and innocence, not leſs than to form a cool though decided judgement on the conduct of thoſe, whom the fury of the times, and the circumſtances of

an alarming criſis, had impelled to intemperate and unjuſtifiable exertions of authority. Theſe ideas have hitherto impoſed ſilence on the family of Sir Edward Croſbie, in ſpite of the malicious rumours fabricated by thoſe who were intereſted in criminating him, and induſtriouſly circulated to throw odium on his character and principles; and theſe ideas might have prevailed with them to have kept ſtill longer ſilence, had not the appearance of a work, ſaid to be written under the ſanction of Government, by giving an ai o f ſuperior authority to the charges by which the author of it has thought proper to blacken the memory of the deceaſed, imperiouſly called for the publication of the documents now ſubmitted to the reader. The work here alluded to has for its title, "Memoirs of the Rebellions in "Ireland, &c. by Sir Richard Muſgrave." The paſſage in that work which calls for animadverſion from the friends of Sir Edward Croſbie, occurs, not in the body of the work among the events that took place at and after the battle of Carlow, where it ought to have been found, if found at all; but in a note in the Appendix.

At the top of the leaf, page 26 of the Appendix, after an affidavit relating to circumſtances that happened in the county, the author adds: "About thirty-ſix yeomen were ſhot in Carlow "and its vicinity; but there was not a ſingle "inſtance of diſaffection diſcovered in a Pro-"teſtant, that I could hear of." To which paſſage the following note, referred to by an aſteriſk, is ſubjoined: "Except Sir Edward "Croſbie, who was hanged at Carlow; and it "is well known, that he piqued himſelf upon "being a Deiſt and a Republican." In the ſecond edition of his work the author has omitted the above illiberal and unjuſtifiable note, and in its place has inſerted the following: "I ſhall avoid ſaying any thing upon the fate "of the unfortunate Sir Edward Croſbie, as "many perſons are ſtrongly impreſſed with an "idea of his innocence; which, it is ſaid, they "mean to vindicate in print." But as this conceſſion does not amount to a retraction of the calumnies that had been previouſly advanced, though it demonſtrates the illiberality and want of charity of the writer who advanced them; and as the note under conſideration

may be perufed by many into whofe hands the fecond edition of the Memoirs may never fall; the friends of Sir Edward Crofbie feel it to be a debt due to his memory, to fubjoin the following ftrictures on that part of Sir Richard's publication, in which they cannot but be particularly intereſted. Inſtead, then, of any direct and ſpecific charge, ſupported by concluſive evidence of guilt; which it had been conſiſtent with the character of a faithful hiſtorian to have recorded, was ſuch a charge to have been ſubſtantiated; the paſſage objected to, the impartial reader cannot fail to remark, contains a diſgraceful inſinuation, grounded only on ſuppoſed general opinion; the deſigned tendency of which is too obvious to be pointed out. The whole work, of which the foregoing paſſage conſtitutes a part, furniſhes abundant proof that its author was by no means deficient in collecting information relative to his general ſubject.* Nor was he leſs ſo in purſuit of the

* The paſſage above related to, "that he could not hear of "a ſingle inſtance of diſaffection diſcovered in a Proteſtant in "Carlow and its vicinity," is a preſumptive evidence that he had been minute in his enquiries.

particulars of Sir Edward Croſbie's caſe. It is well known *by whom* he applied *officially* for a copy of the Proceedings of the Court-Martial in queſtion. The Preſident of it, Major Denis, has aſſerted that he delivered a copy of them to Sir Richard; though, at another time, his memory relative to this circumſtance appears to have failed him. Be this, however, as it may; after the enquiries made by Sir Richard with the aid, and under the ſanction, of Government, it is not to be conceived that he could be ignorant of the particulars relative to the trial of Sir Edward Croſbie. The fair concluſion, therefore, to be drawn from Sir Richard's ſilence, as to any ſpecific charge, or ſubſtantial tokens of guilt on that occaſion, is, that no ſuch charge or tokens were to be produced; and that in fact there did not exiſt one proof that Sir Edward Croſbie was concerned in any ſingle act or intention of a traitorous or treaſonable nature. Thus circumſtanced, the leaſt that was to be expected of Sir Richard was, that he ſhould have paſſed over the ſubject of Sir Edward Croſbie in ſilence. But what judgement muſt be formed of the integrity of

the hiſtorian, the honour or generoſity of the man, who, in default of evidence to condemn, ſcruples not, by a baſe and unſupported inſinuation, to claſs Sir Edward with thoſe members of ſociety who are the deſerved objects of obloquy and reproach? Before Sir Richard Muſgrave had preſumed to have aſſerted, that Sir Edward Crosbie "piqued himſelf upon being "a Deiſt," or even that he was a Deiſt, he ought to have had proofs of the fact to produce, more convincing than we are confident, he poſſeſſed.* At the ſame time it ſhould have been conſidered, that for his religious opinions Sir Edward is accountable to that Being only, to whoſe merciful judgement it is the duty as well as comfort of his friends to leave him. That Sir Edward "piqued himſelf "upon being a Republican," or that he really was one, is a poſition fully diſproved by his avowed principles, which he warmly and honeſtly proclaimed on all occaſions both public

* It ſhould be obſerved, that Sir Richard Muſgrave has acknowledged to one of Sir Edward Croſbie's family, that his only authority for what he has advanced, was the ſuſpicious and intereſted aſſertions of ſome of the officers of the Court-Martial which condemned Sir Edward.

and private, in terms ſimilar to thoſe he made uſe of in a moſt ſerious moment. "I am," ſaid he to his friend Mr. Robinſon,* "a ſteady friend "to the conſtitution of King, Lords, and "Commons, with a Parliamentary Reform, "ſtriking off the rotten boroughs." With reſpect to his political ſentiments, the friends of Sir Edward have no heſitation in acknowledging, in the language of the ſame letter from which the above paſſage is taken, that "he thought Ireland governed rather as a co-"lony, than as a federal ſtate. His noble "heart ſpurned at the *hauteur* and oppreſſion "of the great and rich towards the poor and "lowly. On theſe topics he always expreſſed "himſelf with ardour." Under the influence of theſe ſentiments, fond alſo of retirement, he could not heartily co-operate in the proſecution of meaſures which did not ſhare his approbation: A ſpecies of reſerved conduct, which, in the judgement of thoſe, who either did not *chooſe*, or did not *know how*, to diſtinguiſh the occaſional opponents of Miniſters from the enemies of the conſtitution, formed a founda-

* See Mr. Robinſon's Letter, Appendix, No. 4.

tion on which, by bringing a charge of diſaffection againſt Sir Edward, to raiſe an undeſerved reputation to themſelves at his expence. And when the fervour of conflicting paſſions ſhall be aſſuaged, when impartial judgement ſhall reſume its office, and truth ſhall once again find welcome admittance to the public mind, ſuch, we truſt, after the peruſal of the following pages, it will be candidly acknowledged, was the extent of Sir Edward Croſbie's error, (if indeed it was an error) and ſuch the utmoſt atrocity of his guilt. It has been judged neceſſary to repel the above inſidious attack on the character and principles of Sir Edward Croſbie, which, in theſe times, might, in the apprehenſion of many, be regarded as furniſhing preſumptive evidence of his guilt, as preparatory to thoſe direct proofs of his innocence which will be detailed in the enſuing Narrative.*

* In an anonymous pamphlet, of which a third edition has been lately advertiſed, Sir Edward Croſbie is claſſed with a ſet of men who, really guilty, ſuffered juſtly. It is entitled "Biographical Anecdotes of the Founders of the late Iriſh Rebellion." *We* have only to obſerve of this publication, that almoſt every particular it exhibits reſpecting Sir Edward Croſbie is *totally falſe*—his birth and the date of his patent being the *only* points correctly ſtated. Sir Edward never was a member of the Iriſh

But whilſt they repel, with the ſentiment it deſerves, the charge of the uncharitable hiſtorian, the friends of Sir Edward Croſbie feel no wiſh to bring a railing accuſation againſt any of the parties concerned in the event which they, from their knowledge of the character of the deceaſed, have been doomed ſo deeply to deplore. If a plain and undiſguiſed recital of ſome facts contained in the enſuing pages ſhould prove diſpleaſing to any individuals, it will be obviouſly remarked that they could not have omitted them without injuring their cauſe. They have, however, ſuppreſſed *many* others, equally authentic, as not being abſolutely eſſential, which yet would have been ſtrongly characteriſtic of the ſpirit, diſpoſition, and temper of the times, and of *individuals*. They lament, without preſuming to judge of the neceſſity of, the meaſure, by which an important branch of authority was neceſſarily entruſted with a body of men, that could not be ſuppoſed poſſeſſed of a ſufficient ſhare of appropriate information and experience to exerciſe it with diſcretion; at a

Parliament; nor was he in age, abilities, fortune, character, or conduct, what this haſty and ignorant biographer repreſents him.

criſis, too, that beſpoke the abſence of that coolneſs of mind, that caution and moderation, eſſentially requiſite to the humane and equitable diſcharge of the judicial office. At the ſame time they flatter themſelves, that, in paying the debt due to the memory of a deceaſed relative, they are alſo diſcharging the duty of good ſubjects, in pointing out, in the unhappy concluſion of the ſubject before them, the poſſible conſequences of uniting in the ſame hands the executive and judiciary departments of Government, under circumſtances that preclude all reaſonable hope of a faithful, juſt, and temperate exerciſe of theſe important prerogatives.

AS ſoon as Lady Croſbie had in any degree recovered from the dreadful ſhock ſhe had ſuſtained from the terrible and unexpected event of her huſband's death, ſhe in vain ſought in her own mind for the cauſe of his apprehenſion, what charges could have been adduced againſt him, and from whence the fatal conſequence of his trial could have ariſen. Retired in his mode of life, domeſtic in his occupations, and ſeldom abſent from home, it was morally impoſſible he could have been engaged in any tranſaction whatever, without her obſervation and knowledge. What then could he have committed? Upon the ſpot it was impoſſible to gain any information. Every one in the neighbourhood was, at the time, ſo intimidated, inimical, or prejudiced, that ſhe could find no one that would even ſpeak to her upon the ſubject. Thus ſhunned, and almoſt deſerted, from the Proceedings of the Court-Martial alone could ſhe hope to diſcover the grounds on which

the Court had pronounced the ſevereſt ſentence it could inflict. She was firmly perſuaded that the publication of theſe Proceedings would be an ample and complete vindication of her huſband's character; or, at leaſt, that it would enable her to proffer ſuch anſwers and explanations, as, however concluſive the evidence might have appeared at the moment, would effectually remove every unfavourable impreſſion, and reſcue his memory from the infamy to which it was now conſigned.

In a forlorn and abandoned condition, without ſervants to aſſiſt her, without friends to conſult with, and expoſed to the frequent inſults and depredations of the military, ſtill, in compliance with her duty to her children and to the memory of her deceaſed huſband, Lady Croſbie ſubmitted to her ſituation, and, although ſurrounded with horrors, perſeveringly remained for many months at Viewmount, the family reſidence. From thence ſhe applied by a letter to Major-General Sir Charles Aſgill, commanding in the diſtrict of Carlow, (who had confirmed the fatal ſentence, and ordered it to be put in execution) requeſting he would give her a copy of the proceedings of the Court-Martial, which had condemned her late huſband, a requeſt with which Sir Charles did not think

proper to comply;* the following being a copy of the anſwer which Lady Croſbie received from him on the ſubject.

"MADAM, *July* 26.

"I had yeſterday the honour of receiving your Ladyſhip's letter, and you may reſt aſſured that nothing would give me greater pleaſure, than to be able to afford you any comfort or relief in your preſent very diſtreſſing ſituation, for which I feel moſt ſincerely. The Court-Martial is now in poſſeſſion of Government. I have no copy of it whatſoever; and if I had, I ſhould not think myſelf at liberty to tranſmit to you the Minutes of it, without permiſſion from his Excellency the Lord-Lieutenant, or Lord Caſtlereagh. I therefore think the application ſhould be made by you directly to that quarter; at the ſame time I hope you will excuſe my ſaying, that as the Court was open, and no part of the evidence kept ſecret, it would probably be objected to; as I think it very unuſual, and if granted in one inſtance, cannot with juſtice be refuſed to all.

"I have the honour to be, &c.

(Signed) "CHARLES ASGILL."

* Lord Glandore, Counſellor Powell, and ſeveral others of the friends and relations of the late Sir Edward Croſbie, made ſimilar applications to different quarters, but with no better ſucceſs. See Appendix, Nos. 2 and 3.

We ſhall animadvert no farther on this letter at preſent than to remark, that we know not by what precedents it was *unuſual* to grant what is an act of common juſtice, and founded expreſsly upon an Act of Parliament.* We have been aſſured by the firſt authorities in civil and military law, that ſuch grant of the Proceedings of a General Court-Martial is not "*unuſual*;" and we hope that the denial of ſuch a requeſt is not to be paralleled by a ſingle inſtance in any part of his Majeſty's dominions. As to what Sir Charles has ſaid relating to the evidence, and to the Court's being "*open*," it will be adverted to in its proper place.

* By the 9th article of the Act for puniſhing Mutiny and Deſertion, &c. it is enacted, that, "The party tried by any General Court-Martial in the kingdom of Great-Britain or Ireland, or in Jerſey, Guernſey, Alderney, Sark, or Man, or the Iſlands thereto belonging, ſhall be entitled to a copy of the ſentence and proceedings of ſuch Court-Martial, upon demand thereof made by himſelf, or by any other perſon or perſons on his behalf, (he or they paying reaſonably for the ſame) at any time not ſooner than three months after ſuch ſentence."

By the 10th article of the ſaid Act it is enacted, that "Every Judge-Advocate, or perſon officiating as ſuch, at any General Court-Martial, do and is hereby required to tranſmit, with as much expedition as the opportunity of time and diſtance of place can admit, the original proceedings and ſentence of ſuch Court-Martial to the Judge-Advocate General in London, which ſaid original proceedings and ſentence ſhall be carefully kept and preſerved in the office of ſuch Judge-Advocate General, to the end that the perſons entitled thereto, may be enabled, upon application to the ſaid office, to obtain copies thereof, according to the true intent and meaning of this Act."

The next ſtep, therefore, to be taken, was to apply to Government, to whom it is ſtated, in Sir Charles Aſgill's letter, that the proceedings had been delivered. Accordingly, Mr. Leeſon, the only friend and relative of the family that Lady Croſbie then had in Dublin, who would move in her behalf, waited perſonally on the Lord-Lieutenant, and, in the name of Lady Croſbie, requeſted that his Excellency would order a copy of the Proceedings of the Court-Martial held on Sir Edward William Croſbie, to be delivered to her. Mr. Leeſon was graciouſly received, and was told by his Excellency Marquis Cornwallis, that he would order a copy thereof to be delivered to the family. Hence it may be inferred, that the Lord-Lieutenant did not conſider the requeſt as "*unuſual.*" After having waited in vain for a conſiderable time, and repeatedly applied to no purpoſe at the Secretary of State's office, Mr. Leeſon, at length, on the 1ſt of January 1799, again waited on the Lord-Lieutenant, and received the following anſwer to his renewed application for the Proceedings:—That "from the enquiries he," Lord Cornwallis, "had made, there were not any favourable grounds to proceed in the buſineſs." Mr. Leeſon replied, that "the family of Sir Edward Croſbie wiſhed to

have the Minutes of the Court-Martial, let the contents be what they might." His Excellency then defired, "he would write to him or his fecretary on the fubject." The following Memorial was then prefented in Lady Crofbie's name by her friends in Dublin.

"To His Excellency CHARLES MARQUIS CORNWALLIS, Lord-Lieutenant-General and Governor-General of Ireland,

"The humble MEMORIAL of CASTILIANA LADY CROSBIE

"SHEWETH,

"That your Memorialift, confcious of the innocence of her late hufband Sir Edward William Crosbie, baronet, who was executed at Carlow, on the 5th day of June laft, by martial law; and feeling it a duty which the owes to her children to vindicate the honour of their father, (who was ever zealoufly attached to the conftitution, and whofe anceftors had fuffered confiderable loffes by adhering to the Royal caufe, as appears by the records of Parliament, fince the reftoration of King Charles the Second; in confequence of which loffes, and of addreffes from the Houfe of Commons, they have fucceffively enjoyed a penfion from the

crown;*) has made application to the General and other officers, commanding in the diſtrict of Carlow, to have a copy of the Proceedings of the Court-Martial by which he was condemned, furniſhed to her: in conſequence of which application, Sir Charles Aſgill was pleaſed, by letter dated the 26th of July laſt, a copy of which is herewith laid before your Excellency, to inform your Memorialiſt, that, 'the Court-Martial was then in poſſeſſion of Government, and that he had no copy of it whatever; and that if he had, he ſhould not think himſelf at liberty to tranſmit it to your Memorialiſt, without the orders of the Lord-Lieutenant, or Lord Caſtlereagh.' Whereupon your Memorialiſt cauſed diligent ſearch to be made in the ſeveral offices, where the Proceedings of Courts-Martial are generally lodged, but

* Much has been ſaid relative to the penſion Sir Edward Croſbie received from Government. It may be neceſſary to explain, that it originated in a penſion of 200l. per annum, granted upon addreſſes of the Houſe of Commons, in the reign of King Charles the Second, (as may be ſeen in the Journals of the Iriſh Houſe of Commons) in conſideration of the great loſſes (even at that time, to the amount of many thouſand pounds per annum) the family had ſuſtained by their firm adherence to the Royal cauſe; which penſion was doubled to his father Sir Paul Croſbie; after whoſe death it was divided among four of his children, of whom the late unfortunate Sir Edward William Croſbie, as eldeſt, had 150l. per annum, for his ſhare. This circumſtance report has magnified and miſrepreſented.

hath been informed, that the Proceedings under the Court-Martial that ſat on Sir Edward William Crosbie, have never been tranſmitted to, nor lodged in, any office in this city. Your Memorialiſt does not ſeek for the ſaid Proceedings, in order to caſt any reflection on the conduct of the officers who compoſed the ſaid Court-Martial, but only to evince to your Excellency, that the evidence on which the ſentence of the ſaid Court was grounded, was ſuch as would not, at any other time or on any other occaſion, have affected the life of the moſt inſignificant of his Majeſty's ſubjects. And as evidence of the innocence of your Memorialiſt's ſaid husband, ſhe begs leave to lay before your Excellency the copy of a letter, written by him a few hours before his death, to his friend the Honourable Mr. Juſtice Downes. May it therefore pleaſe your Excellency to order, that General Heniker, who now commands in the diſtrict of Carlow, may tranſmit to your Excellency the Proceedings had under the ſaid Court-Martial, and to order a copy thereof to be given to your Memorialiſt, and your Memorialiſt will ever pray," &c.*

* It was imagined that the direct and poſitive aſſertion of Sir Edward Croſbie's innocence in the above Memorial, and that the grounds on which the Court-Martial had condemned him were totally inſufficient, would have been the means, as it af-

To the above Memorial, the following anſwer was returned, viz.

" SIR, *Dublin-Caſtle, Jan.* 30, 1799.

" The Lord-Lieutenant commands me to acquaint you, in anſwer to your letter of yeſterday's date, incloſing a Memorial from Lady Croſbie, and a copy of a letter from Sir Edward Croſbie to Judge Downes, that his Excellency has made every enquiry, but cannot learn where the Proceedings of the Court-Martial upon Sir Edward Croſbie have been depoſited.

" I have the honour to be, Sir,

" Your moſt obedient, humble ſervant,

(Signed) " E. B. LITTLEHALES."

" *Joſeph Leeſon, eſq*; 27, *Henry-Street*."

Previous to the delivery of the above Memorial, Lady Crosbie (who, in the month of the preceding November, had fled for refuge to England*) had addreſſed from Bath the follow-

forded a fit opportunity, of calling forth a vindication of the Court, for a ſentence of *death* on a man, thus unequivocally pronounced innocent, (and for which it had been ſeverely arraigned by many individuals not in the leaſt connected with the family) could any ſuch vindication have been found in the Proceedings.

* The inſults offered to her by the military became now ſo alarming, that theſe, together with a midnight viſit from Colonel Mahon of the 9th dragoons, and a party of dragoons, on a frivolous pretence, after what had befallen her lamented huſband, excited in her no unreaſonable apprehenſions for her own ſecurity; and ſhe was obliged at length literally *to fly for refuge* to England.

ing letter to Lord Cornwallis, which ſhe had ventured to ſent *by the poſt*:

" *May it pleaſe your Excellency,*

" The afflicted widow of the late unfortunate Sir Edward Crosbie, unable to aſcertain the cauſe of his condemnation, and diſappointed in all her efforts to obtain the Proceedings of his trial, throws herſelf on your Excellency's juſtice and humanity, beſeeching you will be graciouſly pleaſed to order a copy of the Minutes of the Court-Martial to be delivered to her. Forced to take refuge in this kingdom, where, with a diſtracted mind and bleeding heart, ſhe finds herſelf deſtitute of friends and adviſers; if her conduct in this inſtance be irregular, ſhe truſts it will not therefore be misjudged. She fears, ſhe is violating in appearance the reſpect ſhe ſincerely feels for your Excellency's rank as well as character, in thus daring to approach you; but deſpairing of ſucceſs from any other quarter, and full of anxiety to know the particulars of a trial ſo fatal to her children and herſelf, ſhe ventures to ſupplicate your Excellency's power to *command* the ſurrender of theſe minutes ſo ſteadily withheld from her; and moſt earneſtly intreats your Lordſhip's pardon for any preſumption her ignorance on the one

hand, and her zeal on the other, may now lead her into.

" With all due deference and reſpect, ſhe begs leave to ſubſcribe herſelf, &c.

(Signed) " C. CROSBIE."

Not receiving any anſwer to the above letter, Lady Crosbie, by her friends in England, ſolicited and obtained the interference of a perſon high in office and in rank in England, to procure for her, by his Excellency's means, a ſight of the ſaid Proceedings; and at the ſame time, the following petition was preſented to him, in her name, viz.

" To his Excellency the LORD-LIEUTENANT-GENERAL and GOVERNOR-GENERAL of IRELAND,

" The PETITION of CASTILIANA LADY CROSBIE

" SHEWETH,

" That your Petitioner, ſinking under the weight of that calamity, which Divine Providence has been pleaſed to bring upon her, and conſidering that the only ſatisfaction which remains for a weeping and diſtreſſed widow, can be derived from reflection of her having diſ-

charged her duty to the memory of a much-lamented husband, and to his innocent children, preſumed ſome time ſince to appeal to that humanity and love of juſtice which characterize your Excellency, for a ſight of the Minutes of the Court-Martial, which conſtitutes the fatal ſource of her preſent aggravated affliction. To this appeal, your Excellency was pleaſed to return a moſt gracious anſwer. But the order for the delivery of the Minutes not having been complied with, your diſtreſſed Petitioner preſumed once again to addreſs herſelf to your Excellency on the ſubject. The anſwer to this addreſs having been, that your Excellency had not got the Minutes of the Court-Martial; your Petitioner humbly truſts, that the circumſtances of her condition will apologize for the repetition of her importunity, as ſhe had been informed by Major-General Sir Charles Aſgill, that the Minutes of the Court-Martial in queſtion have been delivered to Government. She therefore humbly hopes, that a juſt Government will not withhold from a weeping widow that reaſonable ſatisfaction which it is in its power to afford.

" And your Petitioner ſhall ever pray, &c.

(Signed) " CASTILIANA CROSBIE."

At Lady Crosbie's (the Petitioner's) requeſt, Mr. Leeſon again waited on the Lord-Lieutenant for an anſwer to the above Petition; which anſwer he thus details in a letter to Lady Crosbie. "I told him, that I applied for "an anſwer to the Memorial." He replied, "'All my enquiries have been unſucceſsful to "find where thoſe Proceedings have been de-"poſited.' I anſwered, "I thought that very "ſtrange—that the officer who preſided, or Sir "Charles Aſgill, ſhould know." He replied, "'That thoſe along with many others, he had "heard, had been loſt in the hurry of thoſe "times.' I ſaid, "The people of the office "ſhould be brought to account, and requeſted "that he would again apply to Sir Charles "Aſgill, or Colonel Mahon; or that, I thought, "General Heniker might be able to gain "ſome account of them; as I was ſure Sir "Edward's innocence would appear from the "Proceedings." He replied, 'General He-"niker could know nothing about it.' I an-"ſwered, "He now lived where Sir Edward "had lived, and had opportunity of knowing; "and requeſted, that if he could gain any in-"formation, he would be ſo kind as to let me "know in Henry-ſtreet." He bowed aſſent, "and we parted."

Thus have all the efforts we could make, proved fruitleſs to obtain—What? That which we had a right by Act of Parliament to demand, and which the parties concerned had no right to refuſe. Major-General Sir Charles Aſgill aſſerts, that the Proceedings are delivered to Government. Every office denies their having received them.* His Excellency the Lord-Lieutenant, after various applications and conferences, at length informs us, that he has heard theſe along with many others have been loſt. But ſince his Excellency has only *heard* this, and ſince from ſome communications with the Judge-Advocate's office we have more than reaſon to be aſſured they ſtill exiſt ſomewhere, they may at ſome future day be brought to light. Could any ſacrifice, in the power of the family to make, effect this important point, it would be the utmoſt of their wiſhes. As the publication of the regular proceedings would be the moſt authentic and proper, ſo, they are perſuaded, it would be the fulleſt and beſt vindication of Sir Edward Crosbie.

The candid reader will find our apology for thus detailing the meaſures that were taken to

* See Lady Croſbie's Memorial, page 8. The Deputy Judge-Advocate's anſwer to Counſellor Powell's application for a copy of the Proceedings was, "*that they had never been lodged in the office.*"

obtain the Proceedings of the Court-Martial, in the report maliciouſly raiſed and induſtriouſly circulated, that the family of Sir Edward Crosbie had never ſought for the proceedings of his trial. We do not aſſert that this report originated with Major Denis, the Preſident; but we are authorized, by part of his conduct, to ſay he encouraged it. When he was applied to by a moſt reſpectable gentleman in the neighbourhood of Carlow for a copy of the Proceedings officially to be given to Sir Richard Muſgrave, who was writing an Hiſtory of the Rebellion, he refuſed giving them, or any particulars relating to them, under pretence that he intended them for the Serjeant-Major, who he thought might diſpoſe of them to advantage. It will readily be conceived, that no application was made to this Serjeant-Major, nor indeed was any inquiry made about him; for it was concluded, that if the Proceedings in queſtion were to be thus committed, in order to their being purchaſed, they would eaſily be obtained through the proper channel without an expence, which the plunder her property had ſuſtained both by the rebels and the military, rendered Lady Crosbie at the time little capable of disburſing; nor would ſhe be ſo far inſtrumental in diſgracing the character of the

military, as to ſuppoſe that an act of juſtice, a ſacred right, would by them be put up to ſale.

In the ſummer of 1799, a lady who had ſeen ſome of the papers on this unhappy ſubject here inſerted, and who wiſhed for further information, accidentally became acquainted with Major Denis at Harrowgate, and took that opportunity of expreſſing her regret and ſurpriſe, that the Proceedings of the Court-Martial on Sir Edward Crosbie had been withheld, notwithſtanding ſo much had been done by the family to obtain them. *He aſſured* her, that no perſon whatever had demanded them, except Sir Richard Muſgrave, *to whom he gave them* ;— that they were then in his trunk in Ireland ;— that on his return thither he would let her ſee them, and would give them to any of the family, who thought proper to apply. A few months after, this converſation reached the ears of Lady Crosbie, who immediately wrote to Major Denis the following letter:

" Sir,

" In conſequence of a converſation, repeated to me, that you had with a lady at Harrowgate, in which you ſaid, that " you never had been applied to for the Minutes of the Court-Martial, held on the late Sir Edward Crosbie, of which

you were Preſident; which Minutes you would have given up, if called upon by any part of the family; that they were in your trunk in Ireland, or you would have ſhewn them to the lady, for you had no objection to their being ſeen even by a ſtranger." I think it my duty, having heard of this converſation, to make immediate application to you for them; and ſhould have done ſo before, had I earlier known they were in your poſſeſſion; as I muſt conclude, you would not have ſaid what has been repeated to me, as above related, if you did not really wiſh to give the family of Sir Edward a ſatisfaction they have a juſt claim to. I am, &c.

(Signed) "CASTILIANA CROSBIE."

"*Major Denis, Mount-Mellick.*"

To which letter the following is an *exact* copy of Major Denis's anſwer.

"MADAM, *Mount-Mellick, Feb.* 1, 1800.

"I have been honoured with your letter, repreſenting a converſation I had with a lady at Harrowgate, reſpecting a tranſaction which occurred during the late rebellion. It concerns me much to renew a ſubject, *which I hoped was buried in oblivion.* But as the lady has thought proper to mention the buſineſs, and

which, I thought, I was only ſpeeking on in confidence, I muſt beg leave to ſay, that on her repreſenting to me that reflection had been caſt on the Proceedings of the Court-Martial of which I was a member, in vindication I declared my ſentiments, obſerving I could by the Proceedings prove the aſſertion I made. The lady will, I am ſure, do me the juſtice to recollect what my ſentiments were :—that I ſhould be extremely ſorry to bring forward any thing to hurt the feelings of any of the family, part of whom I had been acquainted with a long time, and had the higheſt reſpect for. No ſtranger has ſeen from me, ſince the unfortunate time I allude to, any copy. I underſtand applications have already been made to my ſuperior officers for ſuch a copy ; I ſhould think myſelf unwarntable in doing ſo at preſent. Any thing in my power, conſiſtant with what I conceve propriety, I would do to ſerve Lady Crosbie, or any of the family ; but in the preſent caſe I am ſure ſhe will excuſe me.

" I am, Madam,

" Your moſt obedient humble ſervant,

(Signed) " HUM. DENIS.

" I immagine the original Proceedings are placed in the Judge-Advocate's office."

Thus having tried every avenue that could lead to the Proceedings of the Court-Martial, and found each impenetrable, the family were forced to turn their views towards procuring the Minutes of ſome one of the members of the court. And here their difficulties recommenced. In vain were various friends, through the moſt promiſing channels, employed to procure the Minutes in queſtion! Indeed ſo general was the reſerve on this ſubject, that even the names of the officers who compoſed the Court, were refuſed to repeated applications. Frequent have been their diſappointments in the purſuit of this ſecondary object. Often have they thought they had attained it, and as often has it eluded their graſp.

At length, however, after two years unwearied aſſiduity and trouble, the friends of Sir Edward Croſbie ſucceeded in procuring a copy of the Minutes of the Court-Martial, under the following reſtrictions, viz. that the writer's name ſhould not be divulged, and *that no proſecution ſhould enſue.* The Act of Indemnity has rendered the laſt condition eaſy of compliance.

But before we preſent our readers with a copy of theſe Minutes, it is neceſſary to mention ſome circumſtances relating to the apprehenſion of Sir Edward Crosbie, and his being de-

prived of proper counſel at his trial. The party of the military which firſt came to View-Mount, (the place of his abode) were admitted by Lady Crosbie, who, happening to be going out at the moment of their arrival, herſelf opened the door to them. The officer enquired for Thomas Myler (Sir Edward's ſteward, a man deeply concerned in the rebellion) who had abſconded. The houſe was ſearched, every door broken, and every place examined; but neither could Myler be found, nor a ſingle article to criminate Sir Edward. The officer, however, kept poſſeſſion of the houſe, and diſpatched a meſſenger to inform Colonel Mahon, of the ninth regiment of dragoons, who commanded at Carlow, that Myler had eſcaped. On which intelligence, Colonel Mahon, with a larger body of men immediately came, ſeized Sir Edward Crosbie, and conducted him to Carlow jail, without aſſigning a motive, or alledging a charge againſt Sir Edward. Lady Crosbie, although aſſured by every perſon ſhe ſaw, that there was no intention of bringing Sir Edward to any trial, and that a temporary confinement was all that was meant by the ſeizure of his perſon; yet hearing ſoon after the contrary, ſent to Col. Mahon, requeſting that he would give her reaſonable notice of the day appointed for the

trial to come on. He returned for anſwer, that ſhe ſhould have *twenty-four hours* notice. This aſſurance he repeated to her afterwards in perſon, adding, "Do you think, Madam, I would do otherwiſe?" A day or two after, ſhe received a letter from Counſellor Powell, offering to come to her, if ſhe would let him know when the trial would take place. Upon this ſhe went immediately to Colonel Mahon, informed him of the kind offer made to her by Mr. Powell, and requeſted he would, if poſſible, enable her to give Mr. Powell the neceſſary information. Colonel Mahon, with the utmoſt coolneſs and indifference, pulled out his watch, ſaying, "The trial will begin, Madam, in an hour." 'Great GOD! Colonel, did not you promiſe me twenty-four hours notice?' "Very true, Madam; but it is not in my power to poſtpone it." 'Why, Sir,' ſaid Lady Crosbie, 'Sir Edward has not yet been made acquainted with the charges that are to be brought againſt him, which I underſtood was always done in a court of juſtice.' "O, Madam," replied the Colonel, "you underſtand nothing of this buſineſs."—And ſo, indeed, the event has proved. Thus circumſtanced, with every reaſon to believe, from the whole of the treatment Sir Edward had expe-

rienced during his confinement, that he would meet with the ſame ſeverity on his trial, and with only an hour allowed her to prepare for it, it was impoſſible to look for counſel or aſſiſtance beyond the town of Carlow, which furniſhed only two attornies, one of whom was confined to his bed with a fever, or at leaſt pleaded that excuſe, probably through fear of giving offence to ſome in the neighbourhood; and the other belonged to ſome military corps. To the latter Lady Crosbie immediately applied, and obtained his aſſiſtance. But even of this Sir Edward had not the benefit after the firſt day's trial, as will be ſeen in the ſequel.

With regard to the Minutes themſelves, they are certainly authentic; and from information received from other and moſt reſpectable quarters, ſome of whom were preſent at the trial, we are convinced that they exhibit the whole of the material part of the evidence produced againſt Sir Edward Crosbie, ſet forth, indeed, in a very unfavourable light; while many circumſtances, highly in his favour, are entirely unnoticed. In ſhort, we are perſuaded, and think, it is to be collected from the Minutes themſelves, that the writer's chief object was to collect ſomething from the evidence that might appear to juſtify a ſentence of condemnation.—

Whatever, therefore, occurred in the courſe of the trial that appeared to operate moſt to the diſadvantage of Sir Edward, is ſtrongly marked; while that which was advanced in his favour, is ſlightly noticed only, or altogether omitted. Many ſuch omiſſions, and a great deal more indeed, we could eaſily ſupply from the moſt unqueſtionable vouchers; but this is not our purpoſe at preſent, and we haſten to lay before the public the Minutes themſelves, from which the charges againſt Sir Edward Crosbie, and the nature of the evidence in ſupport thereof, will clearly appear.

COURT-MARTIAL.

Major DENIS, of the 9th Dragoons,
PRESIDENT.

Capt. MARTAIN, of the 9th Dragoons.
Capt. SHERSTON, —— 32d Regiment.
Capt. BUTHIN, —— Unattached.
Lieut. LOFTUS, —— 9th Dragoons.
Lieut. ROE, —— Armagh Reg.
Lieut. BEST, —— Half-Pay.
Lieut. HIGGINS, —— 9th Dragoons.
Lieut. OGLE, —— Armagh Reg.
Lieut. MAGRATH, —— North Cork.
Lieut. BAGWELL, —— 9th Dragoons.
Enſign ELLIS, —— Armagh Reg.
Cornet FLEMING, —— 9th Dragoons.

CARLOW, June 2, 1798.

PRISONER.—Sir Edward Crosbie, bart.

1*ſt.* For traitorous and rebellious conduct, in aiding and abetting a moſt villainous conſpiracy for the overthrow of his Majeſty's crown, and the extinction of all loyal ſubjects.

2*d.* For endeavouring to conceal perſons, knowing them to be engaged in the abovementioned project.

EVIDENCE.

JAMES GAYNER, *being ſworn.*

Q. Have you been ſworn an United Iriſhman?

A. Be dad, I have, Sir.

Q. Were you on Thurſday night aiding in the attack againſt this town?

A. I was.

Q. Will you inform the Court of what you know?

A. Indeed, I will. On Thurſday night laſt, the 24th of May, he was coming home with Tom Wright, who aſked him if he was ready; he aſked for what?—Anſwer, to go to Carlow, to fight for the Barracks.—Witneſs ſaid, he would not go.—Aſſembled at Sir Edward Croſbie's, inſide the wall; about 100 people aſſembled about twenty perches from Sir Edward's houſe.—Sir Edward Crosbie came out—does *not know* Sir Edward Crosbie—knew him from hear-ſay—ſaw Sir Edward Crosbie's hall-door open, heard the perſon who came out ſay, "Never fear, boys, the Barrack will ſoon be your own." Captain Roche told him, they were going to Sir Edward's houſe. The perſon who encouraged the mob to go on, went to Sir Edward Crosbie's.—Judged it was Sir Edward by his dreſs and appearance—Cannot

ſee the ſame deſcription of perſon now in Court.* He was about two perches from the door, was near enough to ſee it—a hundred people or upwards aſſembled.

Q. Are you ſure it was the perſon, who came out of the hall-door, who ſaid, 'Never fear, boys, &c.?'

A. I am ſure it was.

Q. At the time you left Sir Edward Crosbie's houſe, who commanded the party?

* Gayner, this witneſs, upon being aſked, "Which is Sir Edward Croſbie, he is now in Court?" made anſwer as above, 'that he ſaw no ſuch deſcription of perſon in Court;' though Sir Edward, at that time, was not only in Court, but at his ſide; as we are aſſured by a Gentleman that was preſent at the trial. The perſon here alluded to muſt have been Myler, Sir Edward's ſteward; who, it was afterwards diſcovered, was a determined and active United Iriſhman, and one of their committee-men; that for his own wicked and traitorous purpoſes, often perſonated his maſter, whom he greatly reſembled in height and figure; and it was, no doubt, to favour this deception, that he dreſſed ſo like his maſter. Sir Edward uſually wore the uniform of the Carlow Hunt, a dark blue coat, black velvet cape, large ſilver buttons, with "Carlow Hunt" on them. Myler always appeared in a coat exactly reſembling this uniform, except that Carlow Hunt was not engraved on the buttons. His motive for this is now apparent; but, at the time, gave no ſuſpicion to any of the family. He abſconded after the battle of Carlow, and it was then diſcovered that he had defrauded his maſter of 300l. and upwards. Sir Edward's ſervants (as was the caſe in almoſt every family in Ireland) were Roman-Catholics, and United Iriſhmen; which laſt circumſtance he was unacquainted with, till the afternoon on the 24th of May, when his ſervants for the firſt time, with an air of defiance, openly declared themſelves.

A. Captain Roche, Lieutenant Murphy, and Serjeant Wright.

Q. Did you hear the perſon you took for Sir Edward Crosbie, ſpeak ſeparately to Captain Roche or any of the officers?

A. Only to the mob.

Q. How far did theſe three Officers come with you from Sir Edward Crosbie's houſe?

A. To the town.

Q. Did any other officer meet you to head you coming into town?

A. Yes, Michael Heydon.

Q. Where did you meet Heydon?

A. Near the town, where the ſtones are cut.

Cross-Examination.

Q. Were you forced to join the people?

A. At firſt I was—afterwards went freely, wherever they deſired me, of my own inclination.

Q. Oppoſite to what part of Sir Edward Crosbie's houſe were you ſtanding, when you ſaw the door open?

A. The front.

Q. What part of the houſe do you conceive to be the front?

A. This right part.

Q. Was the place where you were ſtanding, between the gateway and Sir Edward Croſbie's houſe, from the Carlow road?

A. It was.*

Q. What do you conceive to be the front of any houſe?

A. Where the entrance is.

Q. Was there any noiſe made at Sir Edward Crosbie's, while aſſembled there?

A. There was not, except a perſon might ſpeak.

JOHN FINN *ſworn; butler to Sir Edward Croſbie, and oven man for four years.*

Q. Do you recollect the night of the 24th?

A. I do.

Q. Did you know of any unlawful aſſembly to be collected that night?

A. I did, and was with them.

Q. Did you ſee Sir Edw. Crosbie that night?

A. I did.

Q. At what time did you ſee him that night?

A. At paſt ten o'clock.

* Sir Edward Crofbie's houſe fronts Browne's-Hill, and not Carlow, as this witneſs ſets forth; ſo both of the perſon of Sir Edward, and of the ſituation of the place, he appears equally ignorant.

Q. Did you walk with Sir Edward that night in his own garden?*

A. I did.

Q. Was there any number of people looking on you?

A. No one, but Myler the ſteward, and Walſh the labourer, who went with them.

Q. For what purpoſe did you go into the garden?

A. To look at ſome pikes, that were ſettling by ſome men in the garden-houſe.†

* It is evident, from the queſtions put to John Finn by the Court, that they were ſuggeſted by previous converſations.—After his confinement Sir Edward ſent for this man, thinking that his evidence might be uſeful in his defence.‡ A ſtep he hardly would have taken, if he had thought that his conduct was in any way criminal, and that this man *could* purchaſe his own ſecurity, by betraying him. Finn immediately returned to View-Mount, and before all the ſervants openly declared his maſter's innocence, and total ignorance of the deſigns of the rebels. From thence he went the ſame day, and ſurrendered himſelf. How he afterwards came to appear as evidence *againſt* his maſter, may be explained in the ſequel.

† It was not to ſee *ſome* pikes *ſettling*, (as here expreſſed) but ſimply to ſee *a* pike, that Sir Edward went into the garden, as afterwards acknowledged by the ſame Finn. About a week before the attack of Carlow, Lady Croſbie, while at dinner, attended by the witneſs John Finn, told Sir Edward, that ſhe had been that morning walking with Lady Charlotte Browne, and that they had met a man on horſeback with a large pile before

‡ In a note to Lady Croſbie, Sir Edward deſires that ſhe would ſend immediately for Finn, who, he imagines, is at his father's or uncle's, and whoſe preſence he conſiders as neceſſary for his defence; and deſires, that all the maid-ſervants may likewiſe appear.

Q. What do you mean by *ſettling* the pikes?

A. Putting the heads to the handles.

Q. Do you take upon you to ſay, that Sir Edward ſaw the men at that work?

A. He ſaw *that much.*

Q. Did Sir Edward make any obſervation on what he ſaw?

A. Sir Edward ſaid they were wicked weapons, and that he never ſaw ſuch before.

Q. Was Myler to your certain knowledge an United Iriſhman?

A. To the beſt of my opinion he was.

Q. Why do you think he was one?

A. He was ſeemingly very buſy in preparing for the expedition that night, and believe he had a command.

him, which excited their curioſity. Lady Charlotte knew the man, and aſked him, "Neil, what have you got there." 'Ma'am, I have got ſome pikes, which were left at a prieſt's houſe laſt night, and I am taking them, by Mr. Browne's order, to Carlow.' Lady Croſbie expreſſed her wiſh to ſee one, and deſired Lady Charlotte to aſk Neil to ſhew her one. On which he got off his horſe, and unpacked about half a dozen. Sir Edward, on hearing this, aſked Lady Croſbie, "what ſort of weapon it was?" obſerving, 'you have ſeen more than I, my dear; for I never ſaw a pike in my life.' Hence Finn took occaſion a few days after, to induce his maſter to go into the garden-houſe, by offering to ſhew him *one* pike (ſee page 29.) Had Finn had the leaſt idea that his maſter was an United Iriſhman, or in the moſt diſtant manner concerned with them, could he have imagined, that he did not know what a pike was, or that he could have been till that day, till almoſt the moment of action, without ever having ſeen one?

Q. Did you ſee Sir Edward and Myler have any private converſation?

A. He had converſation with Myler, which he did not hear.*

Q. by the Court. On the virtue of your oath, do you believe that Sir Edward Crosbie knew what the pikes were intended for?

A. I believe he did.†

Q. How long did Sir Edward remain in the garden?

A. About ten minutes.

Q. How many people were preparing the pikes?

A. I believe there were five or ſix in the garden at that time.

Q. Do you know who theſe men were?

A. I do.

Q. Were they Sir Edward's tenants?

A. Some of them were labourers.

Q. Who were they, that were not labourers?

A. They were of the neighbourhood.

Q. Did Sir Edward ſay any thing to prevent the men making uſe of their pikes?

* See the purport of this converſation in Sir Edward's letter to Judge Downes, Appendix, No. 1. See alſo Appendix, No. 6.

† How could he be ignorant of it? Finn and Myler had now *declared* themſelves; and every man in Ireland knew what pikes were intended for.

A. He ſaid they were dangerous weapons, he had never ſeen ſuch before.

Q. What time of the evening did this happen?

A. About nine o'clock.

Q. Was that the laſt time you ſaw Sir Edward that night?

A. It was not.

Q. When did you ſee Sir Edward after that?

A. In about an hour after went up ſtairs, ſaw Sir Edward and Lady Crosbie playing at cards; ſhut the windows, and locked the hall-door.

Q. After you locked the hall-door, what did you do?

A. I went to the garden through the back-door.

Q. What did you do then?

A. I went to the garden-houſe where the men were. The pikes were all finiſhed ſoon after.

Q. How many pikes do you think there were there?

A. I believe nine or ten.

Q. Did you take a pike yourſelf?

A. I did not.

Q. How were you armed coming into the town that night?

A. With one piſtol.

Q. Where did you get that piſtol?

A. From a man in the neighbourhood.

Q. How long had you that piſtol in your poſſeſſion?

A. Knew it to be hid—had it in poſſeſſion three or four days before.

Q. At the time you went into the garden with Sir Edward Crosbie, had you the piſtol about you?

A. I believe I had.

Q. Did you think it neceſſary to conceal the piſtol from Sir Edward?

A. I did not.*

Q. In leaving Sir Edward's houſe that night, did you imagine Sir Edward would be angry with you?

A. No, I did not; often went out at night.

Q. Was Myler in Carlow that night?

A. He marched from the houſe, but believe he did not come to Carlow.

Q. After you made your eſcape, where did you go?

A. I went to Sir Edward's.

Q. As ſoon as you got home, what did you do?

A. I went to bed.

* How could he think it neceſſary, now that he had dared to declare himſelf, and knew that his maſter was unarmed, as he himſelf a few days before only had carried all his maſter's arms to the ſheriff's? But after all, this does not even prove that his maſter did ſee the piſtol.

Q. How long did you remain in bed?

A. About a quarter of an hour, when I called to a ſervant-maid for a drink of water, which I got.

Q. Did ſhe ſay any thing on giving you the water?

A. Believe ſhe ſaid Carlow was on fire—is ſure ſhe did ſpeak.

Q. Was Sir Edward preſent when ſhe made that obſervation?

A. I believe he was.

Q. Did Sir Edward make any remarks on this?

A. Sir Edward ſaid, the town was on fire. Witneſs told Sir Edward, the people were all killed.

Q. Do you believe it was becauſe the girl was preſent, Sir Edward made no farther obſervation on the buſineſs?

A. I don't think he would have minded the girl, had he any thing to ſay.

Q. Next morning, when you ſaw Sir Edward, what did you do?

A. I told him, I could not ſtay, and aſked him for my diſcharge.

Q. Why did you aſk him for your diſcharge?

A. I was frightened at the buſineſs of the night, and hearing Sir Edward was conſidered as a diſaffected man, was afraid to ſtay.

Q. Do you believe Sir Edward knew you were in the battle that night?

A. I believe he did.*

Q. Did you get your diſcharge or not?

A. I did in half an hour.

Q. From the circumſtances before mentioned, do you believe Sir Edward knew you were to be at the attack?

A. I believe he did.

[Sir Edward Croſbie's diſcharge read, giving the man a very good character; ante-dated two days; Sir Edward allows to be his.]

Q. On what day did you receive the diſcharge?

A. On the 25th of May.

[*Diſcharge produced to evidence, and ſworn to.*]

Q. Had you applied for your diſcharge before?

A. No, I did not.

Q. Had Sir Edward his clothes on, when he came to your room?

A. He had his night-cap, but no coat.

* He poſitively did *not* know it. Lady Croſbie awakened him about two o'clock, ſaying, ſhe had heard a knocking at the gate, on which he got up, and going to the window heard firing from the town, ſaw it in flames, and told Lady Croſbie that Carlow was attacked: ſhe inſtantly exclaimed, "Great GOD! perhaps our men are in it!" Upon which Sir Edward opened his door, and called to them ſeveral times without receiving any anſwer. At length, "Will nobody anſwer me?" ſaid he, and a female ſervant replied. "Are the men below?" ſaid Sir Edward; *John Finn then anſwered*, "Yes, Sir, we are all here."

CROSS-EXAMINATION.

Q. by the priſoner to evidence. Did I not ſend my arms by you to the ſheriff the Monday before?

A. You did.

Q. Have you heard Sir Edward frequently ſay he would not be an United-Iriſhman, an Orange-man, or of any ſociety contrary to law?

A. I believe he did; and Myler declared to me, he did not believe his maſter was an United Iriſhman.

The Court adjourned to 10 *o'clock on Monday the* 4*th inſtant.*

The Court, having aſſembled according to adjournment, proceeded on the trial of Sir EDWARD CROSBIE, bart.*

PATRICK WALSH, *ſworn.*†

Q. Is that your name? Where do you live?

A. At Browne's-hill.

Q. Do you remember the night of Thurſday the 24th of May laſt?

A. I do.

* Mr. Mac Mahon, attorney, who on the preceding day attended as counſel to Sir Edward, was prevented from attending him any farther. Accordingly, Sir Edward was without any counſel during the remainder of his trial, and to aſſiſt him in his defence.

† For ſome particulars relating to this evidence, ſee p. 65.

Q. Were you preſent with any number of people at an unlawful meeting that night?

A. I was.

Q. Where were they aſſembled that night?

A. There were ſome of the men where the pikes were preparing in the garden, and others in the field.

Q. Were you in the garden that evening preparing the pikes?

A. I was.

Q. Did Sir Edward Croſbie remain long in the garden?

A. About eight or ten minutes.

Q. Did you ſee Sir Edward after he had left the garden that night?

A. I did not.

Q. Did you ſee Sir Edward Croſbie go into the garden at the time they were preparing the pikes?

A. I did.

Q. Did Sir Edward, on ſeeing the men preparing the pikes, ſay any thing to diſcountenance it?

A. To the beſt of his opinion, Sir Edward ſaid they were dangerous weapons.

Q. Did you at that time ſuppoſe you were acting with Sir Edward's ſanction?

A. He could not tell.

EDMUND BURROUGHS, *ſworn.*

Q. Do you remember Thurſday night the 24th May?

A. I do.

Q. Were you at Sir Edward Crosbie's that night with any number of people?

A. I was.

Q. For what purpoſe were you aſſembled that night?

A. To come to the town and attack it.

Q. Did you ſee Sir Edward Croſbie that night?

A. To the beſt of my opinion he was there. I don't know him.

Q. Why do you think it was Sir Edward Croſbie?

A. Becauſe I ſaw a gentleman come out of his houſe, who ſpoke to us and told us not to fear, the town or barrack would be our own: every one ſaid it was Sir Edward Croſbie?

Q. What did this gentleman ſay?

A. He ſaid, "Play away, boys, the town or barrack will ſoon be your own."

Q. What hour might this have been?

A. About ten or eleven o'clock; does not know but 'twas later.

Q. Did the perſon who came out of the houſe that night and ſpoke to you, return to the houſe?

A. He did.

Q. How far from the hall-door might you have been at the time?

A. About two perches.

Q. Was the hall-door open, when the perſon was ſpeaking?

A. It was.

HENRY ROGERS, *ſworn.*

Q. Did you know at any time directly or indirectly Sir Edward Croſbie's having advanced money to ſupport the cauſe of the United-Iriſhmen?

A. I was told by John Bern, that Myler brought ſeven or eight pounds to Mac Donald the brewer, for Sir Edward Croſbie, for the uſe of the priſoners in jail, confined for being United-Iriſhmen.

Q. By virtue of your oath did Myler tell you in confidence, that Sir Edward Croſbie was an United-Iriſhman?

A. He did.*

* It is now very well known that Myler encouraged his confederates, by impreſſing them with a notion that Sir Edward favoured their plans, though he very well knew the contrary. In that part of the country the rebels had no leader of any note. It was, therefore, highly neceſſary for the furtherance of their ſchemes, to animate the party with the idea, that ſo reſpectable a perſon as Sir Edward Croſbie was engaged in the ſame cauſe, and prepared to head them.† With this expectation it is pro-

† This is by no means the only inſtance, during the rebellion, of the name of a reſpectable gentleman being uſed for theſe villainous purpoſes.

Q. How long ſince Myler told you that?

A. About a month.

Q. Did Myler ever tell you he brought money from Sir Edward, for the uſe of the United-Iriſhmen?

A. He did, walking in Tullow-ſtreet; and ſaid Sir Edward would be in Court himſelf, and would ſtand himſelf by Mr. Mac Nally, to ſupport the priſoners, he having been ſeven years at the bar.—Rogers further ſays, that Myler told him poſitively, that there was to be a meeting of the captains to elect Sir Edward Crosbie; on which he aſked him, if Sir Edward was a ſworn man? He anſwered that he might be depended upon, but that he would not come before ſo many captains to take the Colonel's teſt;—and alſo told him, Sir Edward had been ſworn by one of the Whig-Club.*

Proſecution cloſed.

bable the rebels were induced to flock towards Sir Edward's on the evening of the 24th. Myler was eaſily miſtaken for his maſter by thoſe who did not perſonally know him. The report was quickly propagated that Sir Edward appeared at their head. On the ground of this, and other equally-unfounded rumours, his deſtruction was unhappily effected, as appears from the whole of what relates to the trial.

* Sir Edward Croſbie did not belong to the Whig-Club; and it is a remarkable circumſtance, in a country where every man belonged to ſome club or ſociety, that he was *not* a member of *any club whatever*.

DEFENCE.

JOHN FINN, *ſworn.*

Q. Did you ſay theſe words to Sir Edward Croſbie, "Sir, I heard you ſay you never ſaw a pike; come with me, and I will ſhew you one?

A. I did.

Q. By virtue of your oath, do you imagine, when you conducted me into the garden, that I expected to ſee any thing but *a* pike?

A. I believe not.

Q. Did I ſend to the poſt that day?

A. You did.

Q. About what time did the meſſenger return?

A. About one o'clock.

Q. Did he bring me a newſpaper?

A. The poſt was not come in, but he brought a newſpaper from Mr. Mac Donald.

Q. Did I not ſhave and ſhirt myſelf, with an intention of going to Carlow?

A. You did.

Q. Do you know I intended to go to Carlow?

A. I did; I heard you order your horſes to get ready to go to Carlow.

Q. Do you remember ſaying theſe words, "We may all now declare what we are?"

A. I believe I did.

Q. Have you not acknowledged yourſelf an United-Iriſhman?

A. I did.

Q. Where were you ſworn?

A. I was ſworn at Baltinglaſs.

Q. How long ſince were you ſworn?

A. It is not a year ſince.

Q. How many oaths have you taken?

A. Two.

Q. By virtue of your oath, did you ever take an oath to murder your Proteſtant brethren?*

A. As far as I underſtand the oath, I did not.

Q. Have you heard Myler declare, that myſelf, my wife, and my infant daughter Dora, were to be put to death.

A. I never did.

Q. What religion are you of?

A. A Roman-Catholic.

Q. Were you *always* a Roman-Catholic?

* One of the oaths taken by the Roman-Catholic Rebels was as follows:—"I A. B. do ſolemnly ſwear by our Lord Jeſus Chriſt, who ſuffered for us on the croſs, and by the bleſſed Virgin Mary, that I will burn, deſtroy, and murder all heretics, up to my knees in blood. So help me GOD!"—It is alſo a well-known fact, that a doctrine has been taught to thoſe wretched, blind, and infatuated Papiſts by their prieſts, (many of whom were convicted of open rebellion, and taken with arms in the very battle) that in the ſame proportion as they had received the higheſt obligations from Proteſtant heretics, was their merit encreaſed by ſacrificing every obligation, and deſtroying their benefactors.

A. I was not.

Q. Were you ever a Proteſtant?

A. I went to Church for ſome years, while in your ſervice.

Q. Did you not continue to go to Church, when in my ſervice?

A. I did for ſome time afterwards.

Q. Did you afterwards become a Roman-Catholic?

A. I did, after leaving Mrs. Douglas.

Q. What became of the mare, that I was going to ride to Carlow?

A. I rode her out a little.*

Q. by the Court. Did you ſee, or do you believe, that Sir Edward Croſbie reviewed the men that night?

A. I did not, and I do not believe he could have done ſo without my knowledge.

Q. Do you remember coming up with a jug, tumbler, &c.?

A. I do.

Q. How long have you known me?

A. Fifteen or ſixteen years.

Q. Have I the character of a cruel man?

* It appears evident from this circumſtance, how completely Sir Edward Croſbie was in the power of his ſervants, as he could not even command the mare; which the witneſs allows he took from him, and converted to his own uſe.

A. No, you have not.

Q. Have I the character of a juſt man?

A. I always heard you had.

MARY LEE, *ſworn.**

Q. What religion are you of?

A. A Proteſtant.

Q. Do you remember Thurſday, May 24.

A. Yes, perfectly well.

Q. Did you ever hear Myler ſay, myſelf, my wife, and my little Dora, were to be put to death?†

A. Yes, he told *me* ſo.

Q. Did you hear of any ſhocking inſurrection having taken place in Dublin?

A. I did.

Q. Suppoſe I had gone to Carlow that day, and that the rebels had ſucceeded, inſtead of the happy defeat, do you think, if they had the leaſt ſuſpicion of my having given information, would not my wife, children, and family, be put to death?

A. I believe they would have been put to death.

* Lady Croſbie's waiting-maid.

† This circumſtance and many others, after the battle of Carlow, came to the knowledge of Sir Edward by the report of his ſervants.

Q. from the Court. Do you believe, if the rebels had ſucceeded, would any of Sir Edward's family have been put to death?

A. I believe they *would.*

Q. What time did I go to bed?

A. As the clock was ſtriking Twelve.

Q. Do you think, from the time I returned from the garden with John Finn, I afterwards went out?

A. I am *poſitive* that you did *not.*

Sir Edward declared, that he knew no act or part the rebels were to take, until three o'clock on Thurſday, and then his ſervants publicly avowed it.

BRIDGET CURRAN, *ſworn.**

Q. by the Court. Do you remember the night of May the 24th?

A. I do.

Q. Did you ſee me about eleven o'clock?

A. I did.

Q. Do you believe I went out of the houſe from that time till morning?

A. I believe you did not.

* For the particulars reſpecting the difficulty this witneſs met with in getting into Court, ſee Appendix, No. 6.

Q. Do you remember any converſation you had with me, relative to your brothers who were in jail?

A. I do very well; I came one morning---- had been crying. Sir Edward asked me, "what I was crying for?" I told him, my brothers were put in jail for being United-Men. He told me, if they were put in for *that*, he would puniſh them himſelf, if he could.

Sir Edward Crosbie acknowledges, he has not done his duty;—he ſhould have left his wife and family, and come in, and given information;—and throws himſelf on the mercy of the Court.

THE defence is here ſummed up in a few words only, and thoſe conveying a ſenſe the very reverſe of that which it really expreſſed; for Sir Edward Crosbie ſolemnly aſſerted his innocence of the crimes laid to his charge. His defence was full and explicit, as we are confidently aſſured, and exactly of the ſame import with his ſolemn declaration, and the other particulars ſtated in his letter to Judge Downes, which was written and copied in the ſhort ſpace allowed him between his trial and his

death.* The ſolemn declaration† here alluded to, which Sir Edward, in the moment immediately preceding his execution, firſt read, and then delivered to the Sheriff, runs thus:

" I moſt ſolemnly declare, in the preſence of Almighty God, that I am not, nor ever have been, a Member of the Society of United-Iriſhmen; that I knew not their plans, excepting from the Report of the Secret Committee of the Houſe of Commons; never was preſent at, nor knew of, their meetings; knew not their captains, lieutenants, or other officers, or committee-men in this county, before Thurſday May the 24th, 1798, and then only one committee-man, Thomas Myler, by his own confeſſion; or any officer or committee-man in any other county except by report, and then only, after they had been committed to priſon. Lord Edward Fitzgerald‡ has long

* See Appendix, No. 1.

† The original declaration was afterwards delivered by the Sheriff to Lady Croſbie.

‡ We have heard of ſome wild fabricated evidence given on the trial of Sir Edward Croſbie, of Lord Edward Fitzgerald having been a day and a night at View-Mount. The Minutes do not authorize us to aſſert, that Lord Edward was even mentioned: but this ſolemn declaration confirms us in the opinion that he was. He certainly never was at View-Mount.

been known to be a leader; but I never had any communication with him by letter, nor ever ſaw him, except driving through the ſtreets of Dublin in a phaeton or curricle; nor ever had the leaſt communication with him by letter, or otherwiſe.

(Signed) "EDWARD WM. CROSBIE."

During the ſame awful period of time, which paſſed between his trial and execution, Sir Edward moſt ſolemnly declared his innocence to a clergyman who viſited him, and from whoſe lips we received the information; as alſo to his friend Counſellor Powell,* who then likewiſe ſaw him. We cannot but remark, that the only two paſſages in the preceding Minutes, which relate to any thing advanced by Sir Edward in his defence, reſpect a kind of confeſſion of his knowledge of the rebellious deſigns of his ſervants, though *a few hours only* before the battle of Carlow; and that he had omitted to give immediate information: and yet, we are aſſured, that not only his defence was copious, but that, during his trial, ſeveral queſtions were put to him, which received appropriate anſwers. Now if the ſituation of

* See Appendix, No. 2.

Sir Edward be duly conſidered at the time that he firſt came to the knowledge of his ſervants' intentions; that he was peremptorily enjoined by them not to go to Carlow,* when, with an air of defiance, they thought proper to declare what they were; that he was completely at their mercy, his arms having, previous to this period, been removed to another place; that, from what he muſt unavoidably have known of the determined principles of United Iriſhmen, Sir Edward was well convinced, that any attempt to leave his premiſes would have been reſiſted; or if effected, at the hazard of his own life, and the certain deſtruction of his wife and children, (and that ſuch apprehenſions were not unfounded, appears clearly from the evidence before us.) As theſe conſiderations, we are perſuaded, would fully acquit him in the eſtimation of an impartial mind from every imputation of guilt, ſo we believe, and are aſſured, they would have produced the ſame effect in any regular court of juſtice. Sir Edward did all that, in ſuch circumſtances, it was in his *power* to do. He endeavoured to diſſuade his ſervants, at the time, from the proſecution of their iniquitous

* See Appendix, No. 1.

deſigns; and afterwards, on the firſt opportunity, he tried to prevail on them to ſurrender themſelves to Mr. Browne, a neighbouring magiſtrate, which they promiſed to do,* and ſome of them actually did.

The ſentence of the Court-Martial is omitted in the above Minutes, but that, unhappily, can be ſupplied by the fatal event. At a late and unuſual, if not unprecedented, hour of the evening, immediately on the return of the Proceedings with Major-General Sir Charles Aſgill's confirmation of the ſentence, Sir Edward was taken from priſon, and ſuffered the death of a common malefactor; to which he ſubmitted with the firmneſs and dignity of conſcious innocence.† Not ſatisfied with this, the ſoldiers, with ſavage fierceneſs and barbarity, ſevered his head from the body; and fixing it upon a pike, placed it upon Carlow gaol, in full view of his houſe, and in that of his unfortunate widow and children, every time they turned their eyes towards the town of Carlow. We are informed, that this laſt act of inhumanity was no part of the ſentence; it could not, however, have been perpetrated without the knowledge of the officers preſent, and conſequently without their acquieſcence. This

* See Appendix, No. 1. † See Appendix, No. 2.

horrid ſpectacle remained indeed but a ſhort time; it being removed upon the marked diſapprobation, and by the orders, of the then Lord-Lieutenant Earl Camden, as ſoon as the circumſtance was reported to him; in conſequence of which the ſeparated parts were delivered to the widow. Still the ſavage diſpoſition which ſuggeſted this horrid act, remained unſated; and ſuch was the deplorable temper of the times, that no clergyman could be found, who would dare to perform the ſacred rites of the church over the mutilated body. Lady Crosbie was therefore reduced to the neceſſity of depoſiting the remains of her ſacrificed huſband in her garden at View-Mount. Even about a twelvemonth after this fatal period, it was not without conſiderable oppoſition, that the body was removed by a worthy and reſpectable clergyman of the Church of England to a neighbouring churchyard, that it might receive the rites of Chriſtian burial in conſecrated ground.

In a time of open rebellion, when a man is taken with arms in his hands, in an act of hoſtility againſt his king and country, ſo that his guilt is manifeſt, and cannot be diſproved; it may be neceſſary to ſtrike terror into his confederates by a ſummary trial, and immediate

execution. But how different is the caſe, when a gentleman of character, living peaceably in his own houſe, and entirely unarmed, is apprehended on the baſis only of a vague ſuſpicion, and incoherent rumours; when upon the ſtricteſt ſcrutiny, no papers, nor any other tokens of guilt, are found to criminate him; when the evidence at beſt could be but of a circumſtantial nature, that might be diſproved by the aid of proper witneſſes, or ſo explained as to remove every ground of ſuſpicion! The unexpected precipitancy, therefore, of the trial in queſtion, contrary to the expreſs aſſurance of the commanding officer, as well as to the opinion which had been circulated, that a temporary confinement only was deſigned;—the priſoner alſo, contrary to all law and uſage, having never been acquainted with the charges on which he was to be tried, which tended to defeat in a great degree every effort on the part of the priſoner to ſecure the attendance of ſuch counſel and witneſſes as might be neceſſary for his defence;—are circumſtances no leſs cruel in themſelves, than they are inconſiſtent with the mild ſpirit of Britiſh juriſprudence; which requires, that every advantage, and every opportunity of exculpation, ſhould be afforded to priſoners on all occaſions.—

Moreover, the Mutiny Act expreſsly enacts, as before obſerved, that "No ſentence of a "General Court-Martial held in England can "be put into execution, without the authority "and approbation of the King; or in Ireland, "without that of the Lord-Lieutenant." Had this injunction been complied with in the preſent caſe, time would thereby have been allowed for conſideration, and Sir Edw. Crosbie *muſt* have been ſafe. But, unhappily, by the proclamation iſſued by the Lord-Lieutenant by and with the advice of the Privy-Council, on the 24th of May 1798, *this power* was veſted in all the *General Officers* commanding his Majeſty's forces.

Again; in the Minutes here preſented to the public, it muſt be obſerved that no perſon is mentioned as *Judge-Advocate*, nor does any one appear to have acted as ſuch during the whole trial. Indeed, the friends of Sir Edward have been confidently aſſured by thoſe who were preſent at the trial, that there was *no Judge-Advocate*. But by the 6th article of the 14th ſection of the Articles of War it appears, that a Judge-Advocate, or a competent deputy, is an eſſential part of a Court-Martial; who muſt be verſed in the general doctrines of the law, in as far as they relate to the trial of crimes, and the

weighing of evidence, in order to inſtruct and explain to the Court ſuch points of law as may occur, and on which the Articles of War and Mutiny-Act may be ſilent. Wherever this is the caſe, the rules of the common law of the land, to the benefit of which all Britiſh ſubjects are entitled for the protection of life and liberty, muſt be reſorted to, and every material deviation from theſe rules, unleſs warranted by ſome expreſs enactment of the military code, is, in fact, a puniſhable offence in the members of the Court-Martial, who may be indicted for the ſame in the King's ordinary courts. The Judge-Advocate is alſo to adminiſter the oath to the members of the Court; and it is generally conſidered as his duty to act *officially* as counſel to the accuſed, for the purpoſe of aſſiſting him in the conduct of his defence; of adverting to the propriety of queſtions aſked by the Court; and of directing the priſoner as to the anſwers to be made. It is alſo required of him to warn the Court in caſe of deviation from forms in their proceedings, or of *violation of material juſtice* in their final ſentence.* So that without

* For theſe and many other particulars on this ſubject, ſee "An Eſſay on Courts-Martial, by S. P. Adye;" and (which is far more ſatisfactory) "Tytler's Eſſay on Military Law, and the "Practice of Courts-Martial."

this eſſential member, the Court muſt have been incomplete, the members of it not properly ſworn in, and the priſoner deprived of that aſſiſtance and ſupport, which in this caſe were ſingularly neceſſary, where Sir Edward Crosbie was bereft of proper counſel. On no occaſion could the legal knowledge of a *Judge-Advocate* have been more requiſite, the ſuppoſed crime being of a civil, and not of a military, nature; nor can we entertain the ſmalleſt doubt, but that had the Judge-Advocate or a proper deputy been preſent, Sir Edward Crosbie muſt have been fully acquitted.

It appears then from what has been ſtated, that the Court which tried Sir Edward Crosbie was incomplete; and if ſo, then no legal Court. From the Minutes, alſo, which are now before us, (and we are perſuaded that the *original* Proceedings, *could they be ſeen*, by containing many particulars which are here omitted, together with a more correct detail of the evidence, would be, if poſſible, ſtill more inconteſtably concluſive) it is plain, that neither of the charges brought againſt him were, in the moſt diſtant degree, proved againſt Sir Edward William Crosbie, viz.

It was not proved, in the firſt place; "That his conduct was either traitorous or rebelli-

ous; or that he either aided or abetted a moſt villainous conſpiracy for the overthrow of his Majeſty's crown, and the extinction of all loyal ſubjects." Nor was it proved, in the ſecond place, " That he did endeavour to conceal perſons, knowing them to be engaged in the above-mentioned project."

But did we imagine, that the only object to be accompliſhed by us was to prove that Sir Edward William Crosbie was not *legally* convicted of the crimes for which he ſuffered, we ſhould neither have ſubmitted to a painful taſk, nor intruded upon the patience of our readers. But, being fully perſuaded that it is in our power to remove every remaining ground of ſuſpicion from his character and conduct, we think it not improper to ſubjoin a few remarks on thoſe parts of the evidence which ſeem moſt to require explanation; not doubting, but we ſhall ſucceed in deducing from the evidence itſelf the moſt convincing tokens of Sir Edward's perfect innocence.

It appears, then, from a ſummary view of the preceding evidence, that John Finn, Sir Edward Crosbie's butler, and the ſervant who was chiefly about his perſon, having heard his maſter ſay, that he never ſaw a pike (and the time and manner in which this was heard,

have been already explained*) offered to ſhew him *one*, if his maſter would accompany him into the garden. Sir Edward did ſo: but inſtead of *one* pike, he ſaw ſeveral, and ſix or ſeven perſons employed in fixing the heads on the handles. The only expreſſions, according to the evidence, that were uſed by Sir Edward on the occaſion, implied diſapprobation. He remarked, "*they were wicked, dangerous weapons.*" This happened between nine and ten o'clock in the evening of Thurſday the 24th of May 1798. Sir Edward continued in the garden about ten minutes. After this, it does not appear that he was ſeen abroad any more that night. His own ſervants did not ſee him abroad again, neither did his labourer Patrick Walſh; and it is very confidently aſſerted by one of the maid ſervants,† that he did not go out any more. But about an hour after the above tranſaction, a number of perſons, collected from the vicinity to the amount of more than one hundred, aſſembled in the neighbourhood of Sir Edward's houſe. About the ſame time, and probably whilſt Finn was attending on his maſter and miſtreſs, a perſon was ſeen coming out of the hall-door of Sir Edward's houſe, and addreſſing the mob. *This perſon* (as appears by the trial)

* See page 29, the Note. † Lady Croſbie's own waiting-maid.

two of the witneſſes, James Gayner and Edmund Burroughs, ſuppoſed, or were made to believe, was Sir Edward Crosbie. At the time, as it came out in evidence, neither of theſe witneſſes perſonally knew Sir Edward. Gayner, on being particularly queſtioned, declared that "*he could not ſee the ſame deſcription of perſon in Court*," though Sir Edward was then at his ſide. The fair and obvious concluſion from which premiſes is, that ſome other perſon was taken for Sir Edward Crosbie; and that perſon, there is reaſon to think, was Myler. If, then, Sir Edward Crosbie was not abroad that evening, except for a few minutes in the garden, when a ſmall number only of perſons were preſent, it is moſt certain he could not have reviewed the rebels; and ſuch is Finn's teſtimony, he declaring that he did not believe Sir Edward could have done it without his knowledge.

Again; Finn declares, that his maſter made no particular obſervation on what had happened at Carlow; at the ſame time giving it as his opinion, that the preſence of the maid would have been no reſtraint on Sir Edward, had he had any obſervation to make on the occaſion. This muſt be admitted to be a moſt improbable circumſtance, on the ſuppoſition

that Sir Edward was *really* implicated in the rebellion, and had actually entertained corrupt underſtanding with the agents of it. To this it may be added, that Finn (terrified at what had happened at Carlow) was anxious to be diſcharged from his maſter's ſervice, becauſe he had heard that Sir Edward was conſidered as a diſaffected man. Sir Edward, it is too true, was *moſt induſtriouſly repreſented as ſuch.*— But when the rebels had thrown off the maſk, and were in a ſtate of actual diſperſion after their attack on Carlow, Finn had then heard only, that his maſter was conſidered as diſaffected; at the ſame time, that he was unable to adduce one ſingle circumſtance that had taken place during his whole ſervice to juſtify the ſuppoſition. On the contrary, Finn declares, that he had frequently heard his maſter ſay, that he would not be an United-Iriſhman, nor an Orange-Man, nor of any ſociety contrary to law. Myler, moreover, who appears to have been more deeply implicated than Finn in the rebellion, did not believe that his maſter was an United-Iriſhman, however induſtriouſly he circulated ſuch an opinion; and, as appears from the evidence of Rogers, was obliged to ſupport that opinion by ſuch pretences, as are obviouſly evaſive, and unſup-

ported by evidence: whereas, had Sir Edward Crosbie actually *been* an *United-Iriſhman*, and committed one ſingle act declaratory of that character, it is ſcarcely poſſible that ſuch circumſtance could have been unknown to thoſe ſervants about his perſon, who were confeſſedly of that deſcription.

With reſpect to the circumſtance of money having been given for the relief of men impriſoned, but as yet untried; ſo far from its being criminal, ſurely every man of feeling and benevolence muſt deem it a praiſe-worthy action; and in this light will it ever be viewed, we truſt, in the Britiſh dominions. This circumſtance took place in the month of February, previous to the aſſizes; when the gaol being thronged with perſons confined on ſuſpicion, many of whom were afterwards found perfectly innocent; a petition from the priſoners was ſent round the country, praying temporary relief, in conſideration of their being in the greateſt want of the neceſſaries of life. Several gentlemen adminiſtered to their relief, to whom *no* guilt on that account has ever been imputed. Upon what principle then, it may be aſked, is the ſame action brought forward as a crime againſt Sir Edward Croſbie? We are moreover authorized to ſubjoin, (what is

unnoticed in the preceding Minutes) that Major Denis himſelf asked Sir Edward, in the courſe of the trial, whether he did not give money to maintain the United-Iriſhmen in gaol the laſt aſſizes.* Sir Edward at firſt replied in the negative, probably conceiving himſelf authorized to give a negative anſwer to a queſtion that implied more than was juſtified by

* See Appendix, Nos. 1, and 6. This was not a very proper queſtion to be put to the priſoner, had there been any criminality in the action itſelf; ſince, according to the ſpirit of our laws, and the practice of the regular courts of juſtice, no queſtion ought to be aſked of the priſoner, by which he may be drawn into a confeſſion of his own guilt. But, perhaps, Major Denis might think it the more neceſſary to extort this confeſſion, from conſidering how very imperfectly the fact (ſuch as it is) was proved by the evidence. The only authority the witneſs (Rogers) had for aſſerting it, was, that Myler told him ſo; and that, as one Bern ſaid, Myler told him alſo. Both Rogers and Bern were Roman-Catholics, both United-Iriſhmen, and deeply concerned in the rebellion. Rogers ſaved himſelf by turning informer; and Bern by the intereſt of a gentleman in the neighbourhood. Now, not to ſpeak of the witneſs, might not Myler have had preciſely the ſame motives for propagating a falſehood on this ſubject, as in the very ſame breath for making other aſſertions, that were moſt decidedly falſe? [See Rogers's evidence, page 40, and the note.] and yet, muſt we not think it very extraordinary, that the circumſtance which made moſt againſt Sir Edward in the opinion of the Court, as Sir Edward afterwards underſtood, [See Appendix, No. 1] was, that in the ſituation of ſurpriſe and ignorance, in which he was precipitately hurried to his trial, without the aid of counſel, he had not ſufficient recollection to ſummon witneſſes to explain every fact, which admitted of an unfavourable conſtruction, from perſons who ſeemed bent on his deſtruction.

the fact. Upon the queſtion being repeated, he acknowledged that he had deſired Myler to give the priſoners ſomething, as they had ſent a petition round the country, ſignifying that they were ſtarving, before the trial. Upon which, Major Denis and the Court, or a part thereof, ſhouted for joy. We mention this, not only as an inſtance of the higheſt indecorum in a court of juſtice, and as a ſtriking proof of the diſgraceful manner in which this unprecedented trial was conducted; but more particularly, by pointing out the avidity with which every circumſtance was received, which, in the opinion of his Judges, tended to the condemnation of Sir Edward; and in what way the moſt innocent and even laudable fact became diſtorted into an act of criminality; and as furniſhing conviction to every unprejudiced mind, that Sir Edward Croſbie muſt have been perfectly free from all charge of guilt, when evidence, more concluſive, was not to be produced againſt him.

It remains now only to notice one additional circumſtance, which, it is ſuppoſed, was tortured into a proof of the ſecond charge, namely, the writing and ante-dating Finn's diſcharge. It is utterly impoſſible to ſay, what was the predominant impreſſion on the mind of Sir

Edward in the inſtant of granting the diſcharge in queſtion, at a moment of agitation and ſurprize; whether it was a ſudden impulſe of compaſſion, that induced him to comply with the requeſt of one who had hitherto been faithful in his ſervice, and had lived with him or his ſiſter from infancy; who now appeared ſtruck with horror and remorſe at the guilt he had incurred; and who, under the influence of Sir Edward's diſſuaſions, it might be reaſonably hoped, would cautiouſly avoid being implicated farther in the like crimes, could he eſcape with life. The action was confeſſedly unguarded and injudicious, but certainly not in the leaſt degree criminal; and we have the beſt law authority to ſay, it would not be conſtrued as ſuch in any court of juſtice. It was no *concealment*. It did not certify an *alibi*. It could not be brought in proof that the object of it was not with the rebels, or at the battle of Carlow. It could not invalidate any one circumſtance relating to that, or any other, tranſaction in which he might have been engaged. It did not even certify, that he quitted his maſter's houſe; but only, that he *might* have left his maſter two days before the 25th of May. As to any thing farther in the courſe of the evidence that could

be tortured into a charge againſt Sir Edward, it is ſo perfectly weak and frivolous, that we ſhould treſpaſs on the patience of our readers by commenting upon it.

Should we now proceed to conſider the character and circumſtances of the witneſſes, and the means that were uſed to extort from them the accuſations againſt Sir Edward Croſbie, had they even laid any thing criminal to his charge, we ſhould not heſitate to pronounce their evidence to have been perfectly inadmiſſible. On the other hand, when we conſider, that nothing did occur in the whole evidence given under ſuch circumſtances, that attached the ſmalleſt ſhare of criminality to Sir Edward's conduct, we feel confident that we ſhall be juſtified in the concluſion that we have already drawn on this unfortunate ſubject. All the witneſſes anxiouſly ſought for and produced againſt Sir Edward, were Roman-Catholics and United-Iriſhmen; by their religion, in the firſt inſtance, and their oaths and engagements; in the ſecond, in bigotted and confirmed enmity with all proteſtants, and with every man not concerned in the rebellious projects; men, who, by their own confeſſion, were not only implicated in the rebellion, but having been actually in arms againſt Government in the

battle of Carlow, had, in conſequence forfeited their *lives* to their country:—Men, who had ſufficient reaſon to conclude, as we may venture to infer from what follows, that their only hope of ſecurity depended upon the conviction of Sir Edward, and that to have concealed the ſmalleſt incident that might bear againſt him, would have been ultimately fatal to themſelves.

Lady Croſbie herſelf declares, and is ready to make oath, that the following circumſtances were ſolemnly affirmed to her by the perſons themſelves, and that, could a magiſtrate have been found to adminiſter it, they were willing, nay anxious to confirm it upon oath. Edward and Patrick Walſh, brothers and day-labourers, occaſionally employed by Sir Edward Croſbie, and John Taaffe, his poſtillion, were ſeized and committed to priſon in Carlow. After having been a ſhort time confined, Major Denis (the before-mentioned *Preſident* of the Court-Martial) went to them, and told them, "If they would confeſs that Sir Edward was en-"gaged in the rebellion, they ſhould be imme-"diately liberated." Their anſwer was, '*They 'would not condemn an innocent man.*' Major Denis ſaid, "He would make them confeſs it;" upon

which they were all taken to the barrack-yard, and moſt ſeverely flogged. Between every thirty or fifty laſhes (which of the two is not exactly recollected) they were aſked, "Would "they then confeſs againſt Sir Edward?" They anſwered, "They would die ſooner than cri- "minate an innocent man." Major Denis then ſaid, "Lay on the raſcals fifty more." Theſe queſtions were often repeated, and the puniſh- ment as often renewed; ſtill the unhappy ſuf- ferers continued uniformly ſteady, always de- claring that Sir Edward had no knowledge of their proceedings, and was not in the leaſt con- nected with them.

Finn, by the *advice* and at the *deſire of his maſter*, as before-mentioned, had ſurrendered himſelf. During the above tranſaction, this Finn, a poor, ſickly, timid man, was brought be- fore Major Denis, in the barrack-yard, while his fellow-ſervant, John Taaffe, was tied to the triangle, and actually undergoing a ſevere flog- ging; a circumſtance confirmed by the teſti- mony of a gentleman of undoubted veracity, who was preſent and ſaw it. At the very time that this torture was inflicted before his eyes, Major Denis was ſitting at a ſmall table, with pen, ink, and paper, queſtioning John Finn, and noting down his anſwers. We before could

not avoid remarking, that the queſtions put to Finn, and his anſwers to them, were obviouſly the reſult of *previous* converſations, and we now ſee *under what circumſtances theſe converſations were held.* The poor terrified wretch, fearing and expecting to ſuffer what his fellow-ſervant was then ſuffering, conſcious alſo of his own guilt, it was not to be wondered at, if, to ſave himſelf, he had been induced to accuſe his maſter of murder, or of any other crime that was required of him. It is therefore a moſt convincing proof of Sir Edward's complete innocence, that nothing to criminate him could, even under ſuch circumſtances of terror, be drawn from Finn. The leaſt, indeed, that could be expected, after having been thus ſifted, at the fear of his life, for ſomething that would operate againſt his maſter, was, that he would deliver that part of his evidence which was moſt favourable to him with a degree of caution and reſerve; while his anſwers to queſtions prepared with a deſire of convicting him, would be expreſſed in ſtronger and leſs guarded terms than were ſtrictly juſtifiable, and without any ſuch explanations as would remove the ground of ſuſpicion; and ſuch, from inſpection, will appear to be the character of Finn's evidence.

Patrick Walſh diſcovered more firmneſs. May we not from hence infer a reaſon why he was leſs minutely queſtioned on ſeveral points, by which it was attempted to draw from Finn, and other witneſſes on the part of the proſecution, ſome evidence that would militate againſt the priſoner? Indeed we are authoriſed to declare, that the evidence really given by Patrick Walſh was more concluſive in Sir Edward's favour than as it is expreſſed in the above Minutes, and went ſo far as to diſprove that part of the evidence of Gayner and Burroughs, which related, as they ſuppoſed, to Sir Edward's addreſſing the mob.

While ſuch, then, is the evidence (and no better could be found) extorted and received from Roman-Catholics and United-Iriſhmen, themſelves under the arm of the law for open engagement in rebellion; the evidence in his favour is given by Proteſtants unconcerned in any rebellious act, and is poſitive, unbiaſſed, and unimpeachable. It is moreover to be proved, that ſtill ſtronger teſtimony would have been produced in Sir Edward's behalf, could the witneſſes have obtained admiſſion into the Court.

George Lucas, accompanied by Robert Deane, ſteward to Lady Crosbie, voluntarily went to two magiſtrates of the county of Car-

low, in order to make the following declaration upon oath, but both theſe magiſtrates refuſed to adminiſter the oath; of which declaration the copy follows, viz.

"*County of Carlow, to wit.* } GEORGE LUCAS, of Browne's-hill, in ſaid county, late ſhepherd to Sir Edward Crosbie, late of Browne's-hill aforeſaid, bart. deceaſed, came this day before me, one of his Majeſty's juſtices of the peace for the ſaid county, and made oath on the holy Evangeliſts, that in the month of June laſt he regularly attended the gate of the barracks in the town of Carlow for three days according to orders, in order to give ſuch evidence as would be demanded of him upon the trial of the ſaid Sir Edward Crosbie; and ſaith, that during ſuch time he was not called on but once, and that he was then refuſed admittance into the barrack-yard by the centinel on guard at the barrack-gate.

(Signed) "GEORGE LUCAS."

"Sworn before me this day of June, 1798."

The above affidavit is endorſed as follows:

"I do ſolemnly declare, that the within affidavit was drawn at the inſtance of the within

named George Lucas, and exactly tallies with what he told me *vivâ voce*. This paper was brought to me by Robert Deane, who informed me, that George Lucas had applied to two different magiſtrates, who both refuſed to take the affidavit.

"Given under my hand at Tullow,
the 7th day of July, 1799.
(Signed) "ROBERT ROBINSON."

This, however, he has ſince been enabled to accompliſh before a magiſtrate, as appears by the following affidavit, viz.

"*County of the city of Dublin, to wit.*" GEORGE LUCAS, of Browne's-hill, in the county of Carlow, farmer, late ſhepherd of Sir Edward William Crosbie, of View-Mount, in the ſaid county, maketh oath, that from the nature of this the deponent's employment, he was conſtantly about the houſe and demeſne of the ſaid Sir Edward William Crosbie at View-Mount aforeſaid, and from thence, and from his obſervations of the conduct of the ſaid Sir Edward William Crosbie, both before and after the attack of the rebels on the town of Carlow, this deponent was enabled to give very material evidence in favour of the ſaid Sir

Edward William Crosbie upon his trial, for which purpoſe this deponent was directed to attend at the place of trial by Lady Crosbie, the wife of the ſaid Sir Edward William Crosbie. And this deponent ſaith, he has reaſon to believe, that if the ſaid Sir Edward William Crosbie had left his houſe at View-Mount on the morning of the day of the attack of Carlow by the rebels, and had gone, or attempted to go, into the town of Carlow, for the purpoſe of giving any information, or at all; the family and property of the ſaid Sir Edward William would have been deſtroyed by the rebels, who were in full force about the ſaid town of Carlow. This deponent ſaith, that he accordingly attended on the 2d and 4th days of June, at the barrack-gate in the town of Carlow, to give evidence upon the ſaid trial; and ſaith, that on the 4th day of June this deponent was called upon to go into the Court, and give evidence for the ſaid Sir Edward William, by Robert Kirwan, gaoler of Carlow, who was the perſon (as this deponent heard and believes) inſtructed by ſaid Sir Edward William to call for his witneſſes; and this deponent thereupon went forward, and attempted to go into the barrack-yard for the purpoſe of giving his evidence before the ſaid Court upon the trial of the ſaid Sir Edward

William Croſbie, which was then going on. And this deponent ſaith, that upon his attempting to go forward for that purpoſe, the centinel then on guard preſented his bayonet againſt this deponent, and refuſed him entrance, and ſaid deponent ſhould not go in, although he was informed, upon this deponent being ſo called, that he attended as a witneſs upon the ſaid trial. And this deponent ſaith, that *Mary Hutchinſon*, and *other material witneſſes*, who attended to give evidence upon the ſaid trial in favour of the ſaid Sir Edward William Crosbie, were *refuſed admittance in the like manner*. And this deponent ſaith, that he is and always was a *Proteſtant* of the Church of Ireland, as by law eſtabliſhed; and ſaith, he never was concerned in the ſaid rebellion, or in any act in favour thereof, and was always a true and faithful ſubject to the preſent eſtabliſhed government. And this deponent ſaith, that this affidavit is made at the ſpecial inſtance and requeſt of the ſaid Lady Croſbie.

" Sworn before me this 25th day of
" December, 1800.

(Signed) " JOHN CARLETON."

" J. C." " GEORGE LUCAS."

The above declaration and affidavit of George Lucas are fully ſufficient to eſtabliſh the fact, that the Court was *not open* to *all*, and that Major-General Sir Charles Aſgill was miſtaken, when, in his letter to Lady Croſbie, he aſſerted that it was; ſince it was not even *open to witneſſes in favour of the perſon upon trial.*

Bridget Curran, one of the witneſſes in behalf of the priſoner, has alſo declared to Lady Crosbie, that the difficulty that attended her getting into Court was ſo great, that ſhe expected to have been run through the body by the ſoldiers, and ſhould never have got in, but for a gentleman who dragged her through them. The ſame witneſs likewiſe aſſured her, that ſhe could have given a much ſtronger evidence in favour of Sir Edward, had ſhe been allowed to ſpeak, but that Major Denis deſired her *to hold her tongue*, and to leave the Court, as ſhe was not wanted.*

It may be ſeen alſo from a letter inſerted in the Appendix,† that a neighbouring gentleman of the moſt reſpectable character and profeſſion, an early, moſt intimate, and confidential friend of Sir Edward Crosbie, thoroughly acquainted with his character and political principles, in vain endeavoured to get admiſſion to him, ex-

* See Appendix, No. 6. † See No. 4.

cept on the firſt day of his confinement; and in conſequence of this prevention, together with the unexpected ſuddenneſs of the trial, this gentleman was precluded from giving that evidence in Sir Edward's favour, which honour and the love of truth, what he owed to juſtice as well as to friendſhip, required at his hand. From the ſame letter it will likewiſe appear, from the teſtimony of another gentleman, that the reception he met with was very abuſive, that he was turned out of the barracks with indignity; by which means other gentlemen were alſo deterred from fruitleſs and dangerous efforts, to viſit Sir Edward in his confinement, and to proffer him their friendly counſel and aſſiſtance.

By ſuch unwarrantable meaſures was Sir Edward deprived of the counſel of his friends, and of the benefit of evidence that muſt have operated to his advantage. It remains now that we refer the reader to the teſtimonies of ſome gentlemen of undoubted veracity, as certified by their own ſignatures in letters, of which copies are inſerted in the Appendix;* whoſe aſſeverations, we are perſuaded, will afford the reader a perfect inſight into the purity and integrity of Sir Edward Crosbie's general cha-

* See in particular Nos. 2 and 4, of the Appendix.

racter, and the ſentiments by which the whole conduct of his life were uniformly directed.

Should it however appear, that there is any thing in the evidence that has not been fully explained to the ſatisfaction of the reader, we muſt requeſt his peruſal of the letter of Sir Edward Crosbie himſelf, ſubjoined in the Appendix; which having committed to paper during the moſt awful moments of his terreſtrial exiſtence, furniſhes ſuch a clear and unequivocal explanation of the ſeveral occurrences preceding and immediately ſubſequent to the battle of Carlow, as muſt effectually remove every remaining ſhadow of doubt on this ſubject.*

On the ſuppoſition, then, that the taſk we have undertaken has been accompliſhed, if it has been proved to the conviction of an impartial public, not only that Sir Edward William Crosbie was not legally convicted, but that his conduct was perfectly free from every juſt imputation of guilt, and uniformly guided by principles of the pureſt benevolence and the ſtricteſt honour and integrity; if iniquitous meaſures that were adopted to affect his ruin have in ſome inſtances been pointed out, and the futility, not to ſay the *total inſufficiency, of the evidence* on which his unjuſt ſentence was ground-

* See Appendix, No. 1.

ed, has been properly expoſed, we ſhall be credited, we truſt, when we aſſure our readers that we are poſſeſſed of *many additional proofs* of the means by which his deſtruction was planned and accompliſhed, which we are not at liberty to lay before the public, nor even to mention the authority from whence we have received the information; for, unhappily, terror ſtill continues to operate even on the *beſt* of minds.

In addition, therefore, to the circumſtances brought forward in the preceding pages, we ſhall mention only the following particulars.

At the very time that Sir Edward is charged with aiding and abetting thoſe concerned in the rebellion, his own property was the object of the rebels' fury, who burnt his houſe near Hacketſtown, and laid waſte his lands; he himſelf, his wife, and family, being alſo marked down amongſt thoſe who were to have been murdered, had the rebels ſucceeded; at the ſame time it muſt be remarked, that in none of the various trials of the rebels that were publiſhed with the conſent of government, (while a copy of Sir Edward Croſbie's has ſo ſteadily been withheld) or that have been publiſhed without their concurrence; in none of the various diſcoveries and confeſſions made before the Secret Committee, and reported by them to

Parliament; indeed, on no occaſion whatſoever relating to the rebellion, has the name of Sir Edward Crosbie once been mentioned, or in the moſt diſtant manner alluded to. Nor muſt it paſs unnoticed, that Sir Edward was not included amongſt thoſe that were attainted in Parliament. It has alſo been already obſerved, that upon the unexpected apprehenſion of Sir Edward Crosbie at View-Mount, all his papers were ſeized and cloſely examined; yet not a ſingle article was found to criminate him, or ever produced againſt him. A variety of injurious reports have, indeed, been moſt induſtriouſly circulated; but they have either been ſo incredible and incoherent in themſelves, or, upon the ſtricteſt enquiry, have been found ſo perfectly *devoid of foundation,* that after the incontrovertible teſtimonies already adduced in ſupport of Sir Edward's innocence, it would be to waſte the reader's time to enter on a particular recital and confutation of them.*

* Amongſt the numerous reports of this nature we cannot forbear to notice the following:--That Sir Edward Croſbie, during the interval between his trial and execution, wrote a letter to Sir Charles Aſgill, in which he acknowledged the juſtice of the ſentence, and only requeſted that the mode of execution might be varied. We have been aſſured that ſome perſons of character have been ſhewn the letter, which was ſaid to have been written by Sir Edward. The family could not for a moment give credit

By way of concluſion, therefore, we ſhall now ſum up in one view the ſeveral particulars, which we conſider to have been clearly ſubſtantiated in the preceding pages, relative to the harſh and injurious treatment Sir Edward Croſbie experienced with regard to his trial and the execution of the dreadful ſentence conſequent upon it, from which the impartial reader will have ſeen—

That Sir Edward William Croſbie was brought to his trial, without being previouſly informed of the charges that were laid againſt him.

That many of his friends who might have been uſeful to him in preparing for his defence, were not admitted to him.

That in conſequence of this circumſtance, and the unexpected precipitancy of his trial, contrary to the expreſs engagement of the commanding officer Colonel Mahon, Sir Edward was deſtitute of proper counſel.

to the report, but wiſhed to have it in their power to confute it. Accordingly the Rev. Mr. Douglas, nephew to Sir Edward Croſbie, and Counſellor Powell, waited on Sir Charles Aſgill, who aſſured them that he had never received a letter of any kind from Sir Edward Croſbie. This fable we have endeavoured to trace out, and have very good grounds for aſſerting, that it originated with one of the members of the Court-Martial. How deſperate the cauſe muſt be, which has recourſe to ſuch falſehoods, the reader will judge!

That the Court-Martial which tried him, was illegally conſtituted ; no Judge-Advocate, or a competent deputy, being preſent at it.

That the witneſſes produced and admitted againſt Sir Edward were of the moſt objectionable character ; and that none but of this deſcription could be found or did appear.

That the means that were uſed to extort evidence againſt the priſoner, were ſuch as rendered the evidence itſelf perfectly inadmiſſible.

That unimpeachable witneſſes in Sir Edward's favour were not permitted to enter the Court.

That neither of the charges on which the priſoner was tried were proved againſt him ; and that there appeared not the ſmalleſt grounds by which to juſtify the ſentence that was pronounced.

That the execution of the ſentence was precipitate, at an unuſual hour, and attended with atrocious circumſtances, not warranted by the ſentence, and reflecting the greateſt diſgrace on the parties concerned in them ; and finally,

That, in defiance of an Act of Parliament, a copy of the Proceedings has been withheld from the widow and family.

APPENDIX.

No. 1.

Copy of a Letter from SIR EDWARD WILLIAM CROSBIE, BART. *to the* HON. MR. JUSTICE DOWNES, *dated*

"*Carlow Priſon, June 5th,* 1798.

"MY DEAR JUDGE DOWNES,

IN the confidence of former friendſhip, which, notwithſtanding my preſent unhappy ſituation, and the death I am doomed to ſuffer, I ſtill entertain the hope I have not forfeited; I ſhall take the liberty of addreſſing a few lines to you, (in juſtice to my own character, and in the expectation that you will extend your protection to my infant ſon, and your god-ſon, William) to explain to you the circumſtances by which I am brought to a premature death; and I ſhall begin by making the following declaration, which I ſhall atteſt at my laſt moment.

"I moſt ſolemnly declare, in the preſence of ALMIGHTY GOD, that I am not, nor ever have been, a Member of the Society of United-Iriſhmen; that I knew not their plans, (excepting from the report of the Secret Committee of the Houſe of Commons) never was preſent at, nor knew of, their meetings; knew not their captains, lieutenants, or other officers, or committee-men in this county, before Thurſday May the 24th, 1798, and then only one committee-man, (Thomas Myler) by his own confeſſion; or any other officer or committee-man in any other county, except by report, and *then only* after they had been committed to priſon. Lord Edward Fitzgerald has long been known to be a leader: but I never had any communication with him by letter, nor ever ſaw him, except driving through the ſtreets of Dublin in a phaeton or curricle, nor ever had the leaſt communication with him by letter or otherwiſe.

"EDWARD WILLIAM CROSBIE."

"But I confeſs, that, ſometime in the beginning of this year, I was ſolicited for relief for the priſoners in this gaol, who were numerous, and repreſented in a very diſtreſſed ſituation; and many of whom, I thought, were taken up

only on ſuſpicion; and though I did not give money, I conſented that ſix guineas ſhould be given for me, and charged to my account for barley ſold to Mr. William Mac Donald. And as I had ſeen money given for the relief of French priſoners at Liverpool in the year 1778, as well as I can recollect, I did not, I declare, think there was any moral turpitude in the act, or that it was a crime againſt the ſtate.

" I ſhall now mention another circumſtance which has given me the utmoſt concern, and filled me with the deepeſt regret, and I ſhall mention it exactly as it happened.

" Anxious to receive a letter from Mrs. Douglas* to inform me of her ſon Archy's ſituation, who, I underſtood, was in a very dangerous ſtate of health; John Taaffe, my poſtillion, was ordered to go early to the poſt, and deſired to return without delay with the letter, but did not come back till about one o'clock, and then ſaid, " The mail had not arrived " when he left Carlow." He brought, however, the Dublin-Evening Poſt of Tueſday the 22d, which I ſent for, and having read, I ſhaved and dreſſed myſelf, intending to go to the

* Siſter to Sir Edward. Her only ſon had, two days before, ſuffered the amputation of a limb.

town, and wait the arrival of the mail. It was, I think, then about three o'clock; and when I was going to mount my mare, John Finn, my butler, ſaid, "You muſt not go to "Carlow, Sir." Theſe words and the *manner* ſtruck me, and I returned into the houſe.—Soon after I ſaw John Finn and Thomas Myler, my ſteward, in the pantry in converſation, and ſeemingly much animated. They both informed me, but principally Myler, that an inſurrection had taken place in Dublin; that the priſons had been forced, Lord Edw. Fitzgerald and the other priſoners freed; that we ſhould immediately have Peace; that the rebels had ſtopped the mail-coach, murdered the coachman and guard; proceeded from thence to Naas, forced the gaol there, and enlarged all the priſoners; from thence to Caſtle-Dermott; put to death moſt of the officers and ſoldiers, and every perſon that attempted the leaſt oppoſition; that they had taken Baltinglaſs and Tullow, and were ſtill on their march, intending to attack Carlow; that two hundred expreſſes had been ſent from Dublin to different parts of the kingdom to excite a general inſurrection. Shocked and confounded at this recital, I now began fully to comprehend the meaning of John Finn's expreſſion, "*You muſt not go to*

"*Carlow, Sir;*" and ſaw they imagined I intended giving information to be guarded againſt them, and perceived that the only ſecurity to myſelf and family lay in not exciting their ſuſpicion. Soon after I walked towards my potatoe-field, which was entirely deſerted, and having obſerved it to Myler, who, with John Finn and all my labourers had now with triumph declared themſelves United-Iriſhmen, he ſaid, "He knew early in the morning, the expreſs "had arrived; that the people had been ſent "to all parts of the country to give notice, and "that an attack would be made on Carlow "that night." I then endeavoured to diſſuade him from this purpoſe, by remonſtrating with him on the terrible ſlaughter that would enſue; when he with warmth made anſwer, "What "would you have the people do, Sir? Would "you have them lie down and die? Is it not bet-"ter they ſhould fall with arms in their hands, "than periſh in the ditches next winter for want "of food and ſhelter?" I anſwered, that was certainly a better excuſe for riſing, than the one generally imputed to them, which was plunder. "But, Sir," ſaid he, "there will be very little "ſlaughter. Many of the military and yeoman-"ry will join the people, and the town will be "taken with little bloodſhed." I now found

myſelf and family completely at the mercy of thoſe around me, and determined to remain as quiet as poſſible. I then returned to dinner; and nearly as I can judge, about nine o'clock I walked a few yards from my drawing-room window, and on my return to the houſe met John Finn, who ſaid, "Sir, I have heard you "ſay you never ſaw a *pike*; come with me, and "I will ſhew you one." On which I followed him into the garden, and he conducted me into the garden-houſe, where, inſtead of *a* pike, which I ſolemnly declare I only expected to ſee, I ſaw ſeven perſons preparing pikes; all of whom have been ſince taken, except one perſon, who has fled, and one, who, I heard, was killed; but I was told, there were great numbers behind the wall towards Hughes's ground. I now ſaw, that I was completely implicated; and I ſaw, that if the attack did not ſucceed, I might next day be ſacrificed to their ſafety. I was then in a very dangerous ſituation. I had, the Monday before, ſent all my arms to Mr. Euſtace the ſheriff,* and had only a poker, or ſuch like inſtrument, to defend myſelf and family. The people I ſaw in a ſtate little ſhort of madneſs, and the leaſt ſuſpicion of the want of good-will towards them might have been the

* See Appendix, No. 5.

deſtruction of myſelf and family; and therefore, I acknowledge I did not attempt to make the leaſt oppoſition, but let them do juſt as they pleaſed. In this particular I may have judged and acted wrong, and it may be expected that I ſhould have made an effort to reſtrain them; but I am now certain, that the leaſt attempt would have been immediate deſtruction to myſelf and all my family. After ſtaying in the garden-houſe a very few minutes, I returned to the parlour, and ſaw neither man nor pike after, but John Finn, who came up with a jug of water and a tumbler about eleven o'clock. I was then playing at cards with my wife; and went to bed about twelve. A little after two, I was waked by my wife, who ſaid, there was a knocking at the gate; I lay awake ſome time, when the ſame knocking was heard, which ſhe made me take notice of. I then got out of bed, and ſaw firing towards Carlow, and told her it was attacked. In ſome time after, I got out of bed, and ſaw houſes on fire. This Thurſday, I ſolemnly declare, was the firſt time I knew my ſervants and labourers were United-Men, though I ſuſpected them all. The next day I was in the utmoſt agony of mind from the reflection, that I had not uſed my utmoſt powers to prevent the people

I ſaw in my garden-houſe from going out; though I am now certain, from what appeared in evidence on my trial yeſterday, that immediate death would have been the conſequence. But I endeavoured to make the only atonement then in my power, by calling together my ſervants and labourers, and making uſe of theſe words, "You ſee you have joined a ſo-"ciety, that is unable to protect you. Take "my advice. Renounce this ſociety, and give "up your pikes to your prieſt. Go to Mr. "Browne; tell him you have done ſo, and take "the oaths of allegiance." They promiſed me they would: but Myler, after ſome time, anſwered, 'that he would on Sunday ſee the 'prieſt, and conſult with him.' John Finn, fearing he was ſuſpected, fled the next day after the attack; but after I was in confinement, thinking his evidence of material ſervice, I ſent for him, and he ſurrendered himſelf to Mr. Browne, and appeared againſt me, and afterwards for me; and, I fear, will ſuffer; which wounds me much, as his life might have been ſpared, if I had not ſent for him. I omitted to call on Mr. Mac Donald to prove the purpoſe for which I conſented to his giving ſix guineas for me. Indeed, from want of recollection at the moment, I did not think

of him, though he was in the gaol: and I have ſince heard, that not having diſproved this is the circumſtance that has made moſt againſt me in the opinion of the Court. I am pretty certain I ſhall not live twenty-four hours, and write this for your information, and to reſcue my character from injury. I am ſure you will believe me at my laſt moments, when I ſolemnly declare, I fall a ſacrifice to the machinations of my own ſervants, and, as they imagined, to their own ſecurity. Adieu, my dear Judge Downes! Continue your friendſhip to my helpleſs boy, which, if I could be certain of, I ſhould die in peace! But I cannot give up the hope that you will uſe your utmoſt efforts to have my penſion and property reſtored to my family, who, however improperly or imprudently I may have acted in an unguarded and dangerous moment, are innocent of my acts.

"Believe me, my dear Judge Downes, with the greateſt eſteem and reſpect,

"Your affectionate

"And truly ſincere friend,

(Signed) "EDWARD WM. CROSBIE."

No. 2.

Copy of a Letter from GEORGE POWELL, ESQ; *counſellor at law, to* JOHN LEWIS BOISSIER, ESQ; *dated*

"SIR, *Dublin, July* 6, 1798.

"I Lament very much that it is not in my power to ſend you the documents you require relative to the trial of my dear unfortunate friend, Sir Edward Croſbie; it never has been publiſhed; nor have I been able to procure a copy of the Proceedings, or even of the charges on which he was tried. Lord Glandore has written to the officer commanding in the diſtrict of Carlow to get the Minutes of the Court-Martial tranſmitted to him, but they have not yet been ſent; when they arrive, I ſhall, if poſſible, ſend you a copy.—In the mean time, I can aſſure you in the moſt ſolemn manner, that the reports you mention to have been circulated at Bath, are totally void of foundation in truth. No French uni-

form, nor any other belonging to any rebellious or diſaffected ſociety, was, or could be, found in his houſe. His papers were ſecured, and ſearched by the officers by whom he was taken, at the inſtant; an event which happened ſo unexpectedly, that no concealment, if wiſhed for, could have been effected; yet not one paper was found which could bring on his character or conduct the ſlighteſt reflection. Judge, then, if ſuch concluſive evidence as muſt have ariſen from the diſcovery of a commiſſion of general, or governor of a province, had been diſcovered, how impoſſible it would have been to conceal it; and how unneceſſary to have recourſe to the teſtimony of a wretched terrified ſervant, whoſe only chance of pardon was the conviction of his maſter, and who, being an avowed United-Iriſhman, muſt, in giving his evidence, have been guilty of perjury, one of the fundamental oaths of that ſociety being, not to impeach a brother. No, Sir; be aſſured it is a *fact*, and one that I have the happineſs to find is univerſally believed here, that he was as ignorant of the intentions of the rebels until after three o'clock on the 24th of May, (on the night of which day the attack was made at Carlow) as any other man in the community; and that from the moment the

infernal plot was diſcovered to him by his butler and ſteward, he was kept under ſuch reſtraint by them, that even an *attempt* to diſcover would have coſt him his life, and been fatal to Lady Croſbie and the children. The trial was over before I got to Carlow, although I travelled all night. When I arrived there, I found it impoſſible to expect a moment's delay of execution; and had only the melancholy conſolation of ſeeing him, and having an hour's converſation, before the fatal event took place. In that time he read me the letter he had written to Judge Downes, of which you have had a copy; and afterwards he ſent me that letter, and a copy of it in his own hand-writing, by the Rev. Dr. Hubbart, who was with him at his laſt moments. So intent were they on diſpatch, that at nine o'clock at night, on the arrival of the approbation of Sir Charles Aſgill of the ſentence of the Court-Martial, he was led out to execution. His firmneſs never deſerted him for a moment.—On the parade he read his declaration in the moſt manly and impreſſive manner. Oh! Sir, to have ſeen him die, would have been ſufficient to have convinced any perſon that he had lived a man of honour. Leſt the ſight of me might have diſcompoſed him, I con-

cealed myſelf from his view; but, I am now perſuaded, *nothing* could have ſhaken his firmneſs.

"I have the honour to be, Sir,

"Your very faithful

"And obedient ſervant,

(Signed) "GEORGE POWELL."

No. 3.

Copy of a Letter from Mr. JUSTICE DOWNES *to the ſame, dated*

"SIR, *Dublin, July* 7, 1798.

"I Have waited ſince I had the honour of your letter, (now four or five days) in hopes of being able to furniſh you with ſome authentic information as to what paſſed at the trial of our unfortunate friend. I have not as yet been able to procure any ſtatement that can be depended upon, though, from the moment of the trial, I have been very anxious to obtain an accurate account of it; and I do

not think it right to trouble you with ſuch reports as have circulated here, as I know nothing of their authenticity, and they are far from being favourable. Indeed the melancholy ſituation of the country has ſo much heated the minds of moſt people, ſo many of them have cruelly ſuffered in their property, and by the diſtreſs or death of friends and relations, that a ready ear is lent to reports which tend to criminate. As to Sir Edward, I cannot ſay I have any information, ſave his own letter, (of which you have a copy) and the unauthenticated rumours. I have, however, received hopes, that I may ſpeedily be furniſhed with an authentic copy of the evidence and proceedings of the Court-Martial, which, as ſoon as I receive, I ſhall take care to tranſmit to you. But, as I may be diſappointed in that expectation, I cannot longer poſtpone acknowledging the receipt of your letter, and aſſuring you, that I am, Sir,

" Your moſt faithful,

" And obedient ſervant,

(Signed) " WILLIAM DOWNES."

No. 4.

Extract of a Letter from the REV. ROBERT ROBINSON *to* MRS. BOISSIER, *dated*

"*Tullow, Jan.* 30, 1799.

"YOUR Letter found me in a large and gay company, and the revulſion it occaſioned had ſuch an effect on me, as I ſhall not attempt to deſcribe, but which no friend of Sir Edward Croſbie need be aſhamed to avow; and that I was ſuch, is my boaſt and my pride, notwithſtanding the raſh and fatal ſentence which deprived him of life. No difference of opinion could ever looſen the bonds of amity between him and me, or cool our affection; and as to party ſpirit, although I profeſs myſelf as loyal a ſubject as any in his Majeſty's dominions, and ſincerely abhor the rebellion which has of late diſtracted this unhappy country, yet I ſhould be ſorry to conſider myſelf as a partizan. I knew Sir Edward's political ſentiments well, and do ſolemnly declare, that he never, to my recollection, uttered a word of treaſonable tendency; and with me

he was ever unreſerved. Would to God, he had been leſs ſo to others! I will tell you the two grand points, on which he was moſt warm. One was, that he thought this kingdom governed by Great-Britain rather as a colony than as a federal ſtate. The other was, that his noble heart ſpurned at the hauteur and oppreſſion of the great and rich towards the poor and lowly. On theſe topics he always expreſſed himſelf with ardour, and often in the preſence of thoſe who felt themſelves *galled*; and this attached to him the character of diſaffected and republican. But I will give you a ſtrong proof that he was not ſo: The morning that he fought young Burton, (of which no doubt you heard) I was ſaying to him that I much feared the duel* would be imputed to politics, as I knew he had the name of being a republican. His reply was, "If ſuch be "the character they give me, it is moſt unde- "ſerved; and I call on you as my friend, if I

* The duel here alluded to took place about two months before the inſurrection at Carlow. It was entirely unprovoked on the part of Sir Edward Croſbie; and would by him have been avoided, could it have been done conſiſtently with that character of honour and courage, which every gentleman is anxious to preſerve, and which, his ſevereſt enemies muſt acknowledge, peculiarly belonged to him. It had its ſole origin in the unſuſpected malice of his antagoniſt, which immediately afterwards became too apparent to be doubted, and terminated fatally.

" fall, to clear my memory from ſo ungrounded
" a charge, as I am a ſteady friend to the conſti-
" tution of King, Lords, and Commons, with
" a parliamentary reform, ſtriking off the rot-
" ten boroughs." Theſe ſentiments uttered, on ſuch an occaſion, by a man whom, in a long courſe of moſt intimate acquaintance, I never knew guilty of the minuteſt falſehood, muſt be admitted as the genuine effuſions of his heart; and that he did ſo expreſs himſelf to me, I declare on the word of a Chriſtian clergyman. Was he then a republican? No. His own declaration a little before he ſuffered, and which I read in his own hand-writing, clears him from the imputation of being a member of any treaſonable ſociety. Another circumſtance I muſt mention, that the evening of the day after the fatal event I did, at the requeſt of poor Lady Croſbie, examine his papers; and I call GOD to witneſs, that I could not diſcover in them the ſlighteſt trace of treaſon or diſaffection. His own words to me, when I viſited him in his confinement, proved unhappily true. " I much
" fear, Bob, that I ſhall fall a victim to the
" [illegible] of the times." He then related to me every thing that paſſed on the fatal 24th of May, and though I had much to lament in the recital, yet what little ſagacity GOD has en-

dowed me with, did not enable me to perceive any thing of traitorous intent. I ſaw in it much of ſurpriſe, much of agonizing ſituation, and too much of ill-deſerved confidence. The only point that could poſſibly be made againſt him, aroſe from the goodneſs of his heart and his too great tenderneſs for the viper that ſtung him to death, and even that in a legal trial could not affect his life. But let us conſider who were his judges;—they were men who had been actively engaged in the battle of Carlow, and whoſe minds were in a high degree of irritation from thence, and who, therefore, could not judge diſpaſſionately. In this circumſtance we are to look for his conviction; and to that is alſo to be attributed the peculiar hardſhips with which he was treated. When I went a ſecond time to the gaol, deſiring to ſee him, I was ſtopped, and told I could not be admitted without an order from Colonel Mahon.. On my way to the barrack to obtain it, I was met by Dr. Fitzgerald, who aſked me whither I was going? I told him, and for what purpoſe. He told me not to attempt it, for that a few minutes before Mr. Henry Rudkin, a gentleman of very good fortune, a reſident in Carlow, and a magiſtrate alſo, had gone on a meſſage from Sir Edward to the Colonel, and the reception he

met with was very *abuſive*, and he was turned out of the barrack with indignity. Mr. Rudkin, whom I ſaw in a few minutes after, confirmed this information. Finding, then, that my efforts would be fruitleſs, I deſiſted. Again; my poor friend told me that when he got notice of his trial he would ſend me word, that I might be preſent to aſſiſt him on that melancholy occaſion. But ſo ſhort, I underſtand, was the notice he got, that he had not time to ſend me any meſſage; nor did I know it was going on, till it was nearly concluded."

Extract from the ſame Letter.

"I went over to View-Mount, and ſaw the two Lucas's. The ſon ſaid that he did not attempt to get entrance at the barracks, as he was attending Lady Crosbie: but the father declared that during the trial he was called, and demanded admittance, but was refuſed it by the centinel at the barrack-gate. Purſuant to my direction, he got an affidavit drawn up to that effect, and went to Sir Charles B[illegible]rton to ſwear it, who very angrily told him, that he would not adminiſter an oath on ſuch an affidavit, nor would any magiſtrate in this county. Deane (Lady Crosbie's ſteward) then took him to Mr. Browne, who refuſed taking his af-

fidavit till he ſhould conſult Sir Charles. So you ſee how matters ſtand here. This account I had from Deane, who was with me on Sunday laſt.

(Signed) "ROBERT ROBINSON."

No. 5.

Copy of SIR E. CROSBIE'*s letter to Mr.* EUSTACE, *(then ſheriff of the county of Carlow.)*

"MY DEAR SIR,

"THOUGH we live in very extraordinary times, nothing but Divinity can deprive us of the power, or the right, of private judgment, however prudence or fear may induce us to ſuſpend the expreſſion of its ſentiment.

"My opinion of the Inſurrection-Act is ſuch as takes from me the merit of voluntary compliance. It is the penalty, therefore, to which I muſt pay attention. And as, by the eighth clauſe of ſaid act, two witneſſes before a magiſtrate are neceſſary to conviction for the non-regiſtry of arms, and *none* have appeared againſt

me, I ſhall rely on your candour and honour, and the candour and honour of ſuch gentlemen as may peruſe this letter, not to take advantage of this voluntary confeſſion. But if it ſhould happen otherwiſe, I am ready to ſubmit to the penalty, which is a forfeiture of ten pounds, or two months impriſonment; though it is acknowledged to be a conſtitutional right to have arms, which by this act, without regiſtry, is made *malum prohibitum*.

The opinion I entertain of this Inſurrection-Act would not allow me to attend the Grand Jury at the laſt aſſizes; and while that attendance is optional, and not mandatory, I ſhall continue to abſent myſelf as long as it remains in the ſtatute-book. But as I have never been a party-man, and feel myſelf totally out of the power or malice of any individual, I ſhall exerciſe the right of private judgment; and tho' I may lament meaſures, and ſuffer ſome inconvenience from my neutrality, I think it better to do ſo, than to ſubject myſelf to be reproached by my own heart, or by my children. I now ſend you three guns, and two caſes of piſtols; two of the guns old and uſeleſs. The gun in the box, and one of the caſes of piſtols, Lady Crosbie has a particular regard for, as they were the property of her late huſband, Mr. Dodd;

and I ſhall conſider it a favour, if you will be ſo good as to take care of them.

" By this act I leave myſelf totally diſarmed.

" Believe me, dear Sir,

" With great regard, very truly your's,

" EDWARD WM. CROSBIE."

" View-Mount, May 20, 1798."

No. 6.

Extract of a Letter from Lady CROSBIE *to Mrs.* BOISSIER,* *dated*

" *Dublin, Sept.* 30, 1800.

" THE only act I have done ſince I got the Minutes of the Court-Martial, was to ſend an expreſs for one of the witneſſes, Biddy Curran, and read to her the evidence ſhe had given; with a requeſt, that ſhe would endeavour to the utmoſt of her power to recollect whether they were the words ſhe uttered. She aſſured me, " they were not exactly the ſame, that he

* This extract is inſerted here as it was written immediately after the converſation it records, and Lady Croſbie is confidently perſuaded, relates it with perfect accuracy.

(Sir Edward) had declared, 'he would go to the 'fartheſt part of the world to puniſh a rebel, and 'that if her brothers were United-Iriſhmen, he 'would hang them if he could.' She likewiſe added, "She could have given a much ſtronger "evidence in his favour had ſhe been allowed to "ſpeak; but Major Denis deſired her to hold "her tongue, that ſhe was not wanted, and to "leave the Court. The difficulty that attended "her getting in was ſo great, that ſhe expected "to have been run through the body by the ſol-"diers, and ſhould never have got in, but for a "gentleman who dragged her through them." All I then aſked was, what further evidence ſhe could have given, had ſhe been permitted? She ſaid, that on the eventful night ſhe ſaw Sir Edward ſtanding in his ſhirt, calling over the baniſters, "Are all my men in the houſe? Will "no one anſwer me? Are my men-ſervants at "home?" that John Finn anſwered from below, that they were all at home. She deſired me to read Pat. Walſh's evidence, which I did—ſhe ſaid it was ſomewhat different from what ſhe had heard, and what he told her he had ſworn, "That only a few of them had gone to "the garden-houſe at View-Mount, but that the "whole had aſſembled in Sir *Charles Burton's* "*grounds*, and had marched from *thence* to Car-

" low; that Sir Edward had not been with " them in the field, and had never encouraged " them." Biddy Curran alſo ſays, " that on the " 24th of May, about three o'clock, ſhe and the " other maid-ſervants had ſeen their maſter in " violent contention with Finn and Myler, ſwear- " ing they would be hung if they did as they " intended, and that he would give them up. " They then put him to defiance, and," as ſhe ſays, " threw off the maſk." I aſked, why ſhe did not tell me this circumſtance, when it would have been of ſervice to me to know it? She replied, " the army would ſhoot her, and " that ſhe was afraid to ſpeak or tell me any " thing." Thus you ſee the ſyſtem of terror prevailed, and in part continues to this day. She likewiſe told me, that when her evidence was cloſed, Sir Edward ſtood up and ſaid, " Gen- " tlemen, I ſuppoſe I am now acquitted. You " have nothing further to ſay to me." ' Not ' yet, Sir Edward,' ſaid Major Denis, ' I have ' another queſtion to aſk: Did not you give mo- ' ney to maintain the United-Iriſhmen in gaol ' laſt aſſizes?' He anſwered, " No," ' Are you ' ſure you did not?' He replied, " No." ' You ' do not recollect yourſelf.' He then conſider- ed, and ſaid, " he believed he might deſire " Myler to give them ſomething, as they had

" ſent a petition round the country that they " were ſtarving before their trial." Upon which they (Major Denis and the Court, or part thereof) ſhouted for joy.

CONCLUSION.

AFTER the foregoing detail of circumſtances relative to the lamentable termination of Sir Edward Crosbie's life, it would be an inſult to the underſtanding of the intelligent reader, did we not leave him to draw his own concluſion. Indeed we have no other wiſh on this unfortutunate ſubject, but that every reader, uninfluenced by prejudice or paſſion, ſhould, in the cool hour of reaſon, judge freely and impartially for himſelf; with this conſideration on his mind, that the unmerited fate of Sir Edward Croſbie might have been his own, had he been unhappily circumſtanced as Sir Edward appears to have been. For ourſelves, as the friends and relations of Sir Edward, who from a per-

fect knowledge of his principles and character, joined to our own moſt cordial attachment to the conſtitution of our country, may be allowed to feel ſtrongly the imputation which the execution of an unjuſt ſentence may be inſtrumental in caſting on the memory of the deceaſed; we have to ſay, that the taſk we have undertaken was conſidered to be that taſk of indiſpenſable duty, which honour, affection, and juſtice, *imperiouſly* called on us to perform. In performing it, we truſt that our feelings on the occaſion, which we do not wiſh to diſguiſe, have not betrayed us into the moſt diſtant reflection on the government of our country; which we certainly do not think reſponſible for the abuſes of that unlimited diſcretionary power, which the unhappy circumſtances of the times rendered neceſſary to be adopted. Our object has ſimply been to reſcue the memory of the deceaſed from that diſgrace which is deſervedly attached to the conduct of a rebel. With this view we have faithfully detailed the Proceedings of the Trial which terminated in the fatal ſentence which deprived Sir Edward of life. Could we have procured the original Proceedings of the Court-Martial in queſtion, for the attainment of which no effort on our part has been wanting, we have abundant reaſon to

think, that the innocence of Sir Edward would have been ſtill more fully demonſtrated.

Our utmoſt wiſh has been to meet this ſubject fairly; diſclaiming every concealment, and challenging every inveſtigation of which it is capable. Were we conſcious that any charge of diſaffection or diſloyalty was to be ſubſtantiated againſt Sir Edward Croſbie, our conduct ought, in prudence, to be the very oppoſite to what it is; for the agitation of a bad cauſe (it muſt occur to every intelligent reader) can tend only to its more complete and general expoſition.

As relations to the deceaſed, it muſt be expected that we ſhould feel ſtrongly. Private feelings, however, have not on this occaſion been ſuffered to ſwallow up the duty we owe to our country. If Sir Edward Crosbie was the man he ought to have been, to juſtify the ſentence pronounced againſt him—though as relations we ſhould lament his fate, yet, as good ſubjects, we muſt ſay, he deſerved it. But if, on the contrary, as we maintain to have been the caſe, Sir Edward fell a ſacrifice to *ill-founded prejudices*, during an ungovernable paroxyſm of party rage; whilſt every allowance may be made for the precipitate and inconſiderate judgment of the parties concerned, under the circumſtances of their ſituation; ſtill it is our

conſolation to think, that we live under a government which cannot wiſh to aggravate the misfortunes of Sir Edward's family, by becoming inſtrumental in entailing diſgrace on his memory. Our appeal in this caſe, and it is a moſt ſolemn one, ſhall be to Honour, to Juſtice, and to Humanity: and if theſe virtues, the characteriſtics of the great and good, have not deſerted our land, we reſt aſſured, that the unhappy cauſe we have been pleading, will not fail to experience that reception from thoſe, to whoſe conſideration it is moſt reſpectfully addreſſed, to which Honour, Juſtice, and Humanity muſt deem it to be entitled.

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